Murphy, Donald G.
Murphy, Errol L.
Murphy, Robert J.
Murray, David W.
Murray, Thomas S., Jr.
Naski, Paul S.
Nelson, Alan S.
Neubert, Gunter H.
Newman, Lawrence J., Jr.
Newsky, Lewis W.
Nixon, Joseph O.
Nordheim, Bobby W.
Nussbaum, Seymour
O'Connell, Robert F.
O'Connor, Denis
O'Leary, James A., Jr.
Ollier, James L.
Olson, Richard V.
Oppenheim, James P.
Orringer, Oscar
Owen, John F.
Palaszewski, Daniel F.
Parrish, Feegeebee III
Parrish, John C.
Paterson, Theodore B.
Payne, Leslie
Pearce, Ronnie L.
Peffer, William D., Jr.
Perrin, Frank M.
Pfarr, John S., Jr.
Phelan, John Jr.
Philbrook, Scott D.
Pierce, D. Gregory
Pilmaier, Joseph M.
Power, John R., Jr.
Pritchett, Charles H.
Purcell, Robert M.
Quinsey, John R.
Radford, Charles W.
Radloff, Fredric T.
Rawlins, John W., Jr.
Read, Philip J.
Redmond, Robert C.
Reece, Charles R.
Reeves, Lucius V.
Reusch, Franklin A., Jr
Reynolds, James E.
Rhodes, Curtis A.
Rich, Martin E.
Rielage, Martin J.
Riggs, William C.
Ritz, Henry R.
Rivera, Jesus B.
Roche, Robert
Rockmore, Kenneth B.
Rodgers, Richard L.
Rodriguez, Arturo
Rohs, Thomas J.
Russell, David E.
Russell, Terry E.
Rydwansky, Frank C., Jr.
Sakrison, James M.
Sanborn, Robert L.
Scharf, Paul A.
Schenk, Steven T.
Schmit, James N.
Schnakenberg, David D.
Schofield, Peter L.
Schwarzhoff, Dale L.
Schweitzer, Drew J.
Scribner, Jeffrey L.
Scussel, James T.
Seaman, Gerald A.
Segal, Herbert E.
Sepanski, Stephen J.
Seremeth, Andrew J., Jr.
Severson, Richard M.
Shanahan, Michael G.
Shaw, Ray A.
Shelton, Gerald F.
Shepherd, James G.
Sheppard, Hugh P.
Sherman, Gary J.
Sherwood, Donald L.
Sielinski, Peter E.
Sitter, William P.
Sivacek, Paul M.
Slakie, Ronald J.
Slover, Donald J.
Smith, Allen C.
Smith, Converse B., Jr.
Smith, Kenneth V.
Smith, Michael J.
Smith, Richard M.
Smith, Russell H.
Snider, Thomas H.
Sorrentini, Hector E.
Spiesschaert, Darrel F.
Stevens, William L.
Stewart, Michael M.
Stiglich, Gerald F.
Stoesser, Joel W.
Stratton, John W.
Stuart, Raymond W.
Stutz, Darvel C.
Stumpf, James J.
Suddick, Robert A.
Sullivan, Gerard A.
Sullivan, John E.
Sullivan, John P., Jr.
Sullivan, Terrence E.
Surgent, Joseph R.
Sutcliffe, Edwin H.
Swenson, William E.
Swift, Joe B., Jr.
Symons, Edward L., Jr.
Szarmach, Paul E.
Taylor, Archie B., Jr.
Templeton, Patrick A.
Theriault, Alfred J., Jr.
Thomas, James M.
Thomas, Ronald W.
Thompson, Ronald E.
Thorpe, Edward E.
Tierney, William J., Jr.
Timpf, Richard H.
Tomlin, James E.
Trahan, Armand A.
Travis, James O.
Trettel, Steven J.
Trotter, Claude R., Jr.
Trudeau, Raymond L.
Tuttle, Stuart K., Jr.
Tymon, Leo F., Jr.
Vallese, Carmine J.
Vandermosten, John E., Jr.
VanWagtendonk, Jan W.
Vecchiarello, Robert N.
Vogt, Herman J.
Wall, Lewis W.
Walsh, John P.
Walsh, Robert E.
Walter, Bruce J.
Ward, Houston E., Jr.
Ward, James A., Jr.
Ward, Joel H.
Waring, Kurt E.
Watson, Raymon L.
Weber, Ervin J.
Weber, Richard L.
Welch, Kennard R.
Wenners, Edward B.
Wertz, Donald E.
Weymouth, Terry E.
Wheeler, Charles L.
White, David E.
White, Robert A.
Whiteman, James T., Jr.
Whiteside, Leonard J.
Whitman, Gordon L.
Whitmer, Dennis K.
Williams, George M.
Wilman, James F.
Wilson, William P.
Wind, Richard W.
Windsor, Thomas C.
Wing, Raymond A.
Wise, Jon R.
Wishart, Francis E., Jr.
Xenakis, John J.
Yamashita, Gary A.
Zafonte, Leonard
Zielinski, Stanley J.
Zins, Linus P.
Zyko, Eddi Z.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 28, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 16: 14: *Let all that you do be done in love.*

Almighty God, we thank Thee for this new day, affording us many opportunities to dedicate and devote our capacities of mind and heart to the glorious enterprise of building a nobler civilization.

Grant that we may be eager to share in the task of creating among the members of the human family the spirit of mutual respect and confidence.

May we be charitable in our attitude toward the convictions of others and possess the grace of living together in the bonds of friendship and fraternity.

We pray that in all our plans and labors we may be sustained by a clear and radiant vision of peace on earth and good will among men.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 24, 1963, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries.

HON. DONALD H. CLAUSEN

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the gentleman from California, Mr. DONALD H. CLAUSEN, be permitted to take the oath of office today. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CLAUSEN appeared at the bar of the House and took the oath of office.

SPECIAL ORDER GRANTED

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to address the House for 1 hour today, following the legislative business and any other special orders heretofore entered, to advise the Speaker and the House of the demise of a former Member, and to give those Members who wish to do so an opportunity to address the House on that subject, and to give Members 5 legislative days in which to insert remarks in the RECORD on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE BUSINESS WEEK OF FEBRUARY 11

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I have asked for this time for the purpose of making an inquiry of the acting majority leader.

Mr. Speaker, as has been the custom in the past, many of us on our side of the aisle would like to go home for the dinners that are held in memory of Abraham Lincoln. Many of us would like to do that this year. I am wondering if the majority leader could tell us of any arrangements that might have been made that would permit us to be away that week.

Mr. BOGGS. Mr. Speaker, I am glad the minority leader propounded the question. I am very happy to inform him that we have discussed the matter and are glad to be able to tell him and the other Members of the House this far in advance that there will be no legislative program that week, which I think begins on February 11.

Mr. HALLECK. Mr. Speaker, I thank the leadership for their consideration in this matter; we certainly appreciate it.

THE LATE J. STANLEY WEBSTER

Mr. HORAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HORAN. Mr. Speaker, it is with sincere sadness that I inform my colleagues of the passing of the Honorable John Stanley Webster, a former Member of this body. Judge Webster represented the Fifth District of the State of Washington, which congressional district I have the privilege of now representing in the U.S. House of Representatives, in the 66th, 67th, and 68th Congresses. He resigned in 1923 to accept a U.S. district judgeship. He was a senior U.S. district judge for eastern Washington since his retirement over 20 years ago. While in the House, Judge Webster served on the Interstate and Foreign Commerce Committee. Judge Webster was the first Republican to serve the Fifth District of Washington since its formation in 1912. Judge Webster was a good citizen and was revered and loved by all in the Spokane area where both he and his brother occupied the bench at one time. He was active in many constructive and worthwhile pursuits all during his life.

The legal and judicial fraternities in Spokane plan a memorial service for

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Judge Webster in Spokane on February 21, 1963.

The following biography is from the Congressional Directory of 1923, 68th Congress:

Webster, John Stanley, a Representative from Washington; born in Cynthiana, Harrison County, Ky., February 22, 1877; attended the public schools and Smith's Classical School for Boys; studied law at the University of Michigan at Ann Arbor 1897–99; was admitted to the bar in 1899 and commenced practice in Cynthiana, Ky.; prosecuting attorney of Harrison County, Ky., 1902–6; moved to Spokane, Wash., in May 1906; chief assistant prosecuting attorney for Spokane County 1907–9; judge of the superior court of Spokane County 1909–16; lecturer on criminal and elementary law in Gonzaga University, Spokane, Wash.; associate justice of the State Supreme court 1916–18; elected as a Republican to the 66th, 67th, and 68th Congresses and served from March 4, 1919, to May 8, 1923, when he resigned to become U.S. district judge for the eastern district of Washington, in which capacity he served until August 31, 1939, when he retired due to ill health; is a resident of Spokane, Wash.

HON. WILLIAM H. SEXTON

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, 65 years ago, William H. Sexton, then a young man of 22, entered the service of the city of Chicago as an assistant corporation counsel. This was a year before the commencement of the war with Spain. It was a year after the historic presidential campaign in which William McKinley was pitted against William Jennings Bryan, a sophomore Member of this body, whose oratory had won for him the Democratic nomination at the age of 35. Chicago then was a city of about a million in population, the district that now I have the honor to represent far removed in those horse-and-buggy years, much of it prairie land.

Four years later William H. Sexton, at 26, became the first assistant corporation counsel. At 39 he became corporation counsel. From 1911 to 1914, and again from 1931 to 1935, he was the head of Chicago's law department, and meanwhile Chicago was growing, growing, growing. But there were many baffling problems blocking the city's marvelous expansion, and the greatest of these was that of traction.

Local transportation, grounded in corruption and surrounded by a climate of legislative and municipal scandals, long had plagued Chicago in common with other American cities. From this era the large and rapidly expanding city of Chicago had emerged with a bankrupt local transportation system, unable to meet the curtailed cost of operation, completely helpless, utterly hopeless, even to begin the rebuilding of a modern system that changes, scientific advances, and a metropolis overbusting with population demanded.

In 1935, when William H. Sexton left the corporation counsel's post to become the city's special traction attorney, the future of Chicago, in a very true sense, was in his hands. Great as had been the growth of Chicago, tremendous as were its possibilities and the drive of its leaders and its people, slow death by stagnation and suffocation was certain unless the vast areas within its corporate limits could be tied together by rapid local transportation; modernized to take advantage of every improvement in the endless march of progress, with fares within the reasonable means of all users of the system and with equitable treatment of Chicagoans near to industrial and shopping centers and Chicagoans who resided in areas at great distance away.

This was the problem placed in the lap of William H. Sexton in 1935. He served as special traction attorney from 1935 to his retirement in June of 1959, due to ill health, in the administrations of Mayors Edward Kelly, Martin Kinnally, and Richard Daley. When he started, Chicago had a bankrupt, broken down local transportation system, and Chicago was at the terminus of a dead-end street. When he had completed his task, and ill health had called an end, Chicago had a modern subway, a modern local transportation system, and the outstanding system of superhighways of any large city in the world—all conceived, built and brought from the realm of dreams to the status of realities without one breath of scandal.

Mr. Speaker, William H. Sexton never sought elective office. He never courted the headlines. He served under four of the great forward-looking mayors of Chicago, Carter Harrison, Jr., once prominently mentioned as a democratic presidential nominee; Edward Kelly, Martin Kinnally, and Richard Daley. He never sought to advance himself by minimizing the importance of those in whose confidence and by whose appointment he served. Mr. Speaker, it is my well-considered opinion that no man in all the history of the world ever served his native city for as long a period, over six decades, and with such dedicated, self-effacing devotion and effectiveness as William H. Sexton, who today is being buried in the city of his birth and of his love, Chicago.

William H. Sexton, who is being buried today, was one of the truly great Americans of his times. He was corporation counsel of the city of Chicago when I was the boy lieutenant governor of Illinois. Much later we were associated, warmly and affectionately together, for 10 enriching and rewarding years in the period when Chicago was reorganizing its traction setup, going through endless months of litigation in the Federal courts, followed by the legislative struggle in the general assembly of Illinois for legislation creating the Chicago Transit Authority, and then the building of subways and the superhighways, all without one breath of scandal despite the tremendous total of condemnations necessitated by the march of progress.

I can never forget the day after the death of his wife, who all the years had been his sweetheart, Bill Sexton, despite the load of grief he bore, insisted on appearing on the Federal district court to argue a phase in the pending traction litigation that he thought all important. Nor the day he insisted on walking several blocks to the postoffice personally to mail Mayor Kelley's letter of appointment of the Chicago members of the traction authority. He never left anything to be done by someone else when there was a personal responsibility on him. I never knew a harder worker. I shall never forget the endless hours we were together, from very early in the morning until very late at night, because there was no detail, however trivial, that Bill Sexton thought we should pass without the fullest scrutinty.

Chicago can never repay its debt to the memory of the honor, the integrity, the industry and the dedicated life service of Bill Sexton, one of her greatest sons, who today is being buried. To his son, Andrew, and his daughter, who were the prides of his life, and his solace after the death of his beloved wife some 20 years ago, I extend my deepest sympathy. Bill Sexton had four predominant interests—his family, his profession which he served as president of the Chicago Bar Association, his church which bestowed upon him the exalted rank of Knight of St. Gregory, and his native city of Chicago to which he gave more than six decades of devoted and dedicated service.

Mr. Speaker, I ask unanimous consent that my colleague from Illinois [Mr. MURPHY] may extend his remarks at this point, and that any other of my colleagues who desire to do so may have 5 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURPHY. Mr. Speaker, it was with profound sorrow that I learned of the passing of a great Chicagoan, William H. Sexton, and I want to join my distinguished colleague, the Honorable BARRATT O'HARA, in paying tribute to him.

Mr. Sexton passed away on Thursday, January 24, 1963, in Washington, D.C., following a long illness. It was my privilege to be closely associated with him for almost 24 years when I was a member of the Chicago city council.

Mr. Sexton was a former corporation counsel for the city of Chicago, and in later years he represented the city in all traction matters including the purchasing of the Chicago Surface Lines and the organizing of the Chicago Transit Authority. He also served as special counsel for the city of Chicago in all matters pertaining to subway and superhighway transactions, and it was in this capacity that I became familiar with his great legal talent, his patience, and his astuteness.

He was one of the foremost members of not only the Chicago Bar and Illinois State Bar, but also the American Bar. He was dedicated to the city of Chicago and active in many civic affairs.

Mr. Sexton was a deeply religious man and exceptionally devoted to his family.

His zeal and interest in the spiritual was such that the late Pope Pius XII bestowed the honor of the Order of the Knight of St. Gregory upon him.

Mrs. Murphy joins me in extending our deepest sympathy to his daughter, Mrs. William Kavanaugh, and his son, Andrew Sexton, in the loss of their father.

Mr. LIBONATI. Mr. Speaker, the death of William H. Sexton ends the career of one of the most astute lawyers in Illinois. Throughout his public career he enjoyed the heavy responsibilities of serving in high appointive legalistic capacities in which he performed.

His passing brings back many pleasing memories to those of us in the congressional delegation who served in the Illinois Legislature or its city governments.

William Sexton was a true gentleman of high Christian principles. His knowledge of the law gained for him a natural reputation as an attorney in the specialized fields that he followed.

As corporation counsel of the city of Chicago—1911–14; 1931–35—and as traction counsel from 1935 to 1959, he reflected the painstaking preparation of the true advocate whose analytical approach revealed the factual conclusion of many controversial questions in the law.

His high moral standards and straight thinking won for him many admirers in public life. He was a fearless and devoted man to these principles, and inspired lawmakers to accept his undeniable legal conclusions.

This kind, gentle, and understanding legal giant left a lasting legacy to his profession—"The honest course to determine legal values must follow the fundamental basic rules of the law founded on fact."

I enjoyed his friendship for many years and admired him for his ability and dedication to his public trust. Millions of Chicagoans owe him a debt of gratitude for his public service.

Mrs. Libonati joins me in offering my sincere condolences to his daughter, Mrs. William D. Kavanaugh, and his son, Attorney Andrew W. Sexton, both of Washington, D.C.

The following article appeared in the Chicago Tribune, Friday, January 25, 1963. It reflects the high esteem in which he was held by the community for his long years of public service:

W. H. SEXTON, FORMER CITY COUNSEL, DIES—SERVICES TO BE HELD HERE, WASHINGTON

Services for William H. Sexton, 87, who twice served as Chicago's corporation counsel and for many years was the city's traction attorney, will be held at 10 a.m. tomorrow in St. Anne's Catholic Church, Washington.

Mr. Sexton died Wednesday in Washington, where he had lived in recent years.

Brief services also will be held at 11 a.m. Monday in the chapel at 25 East Erie Street, with visitation there after 3 p.m. Sunday. Burial in Calvary Cemetery, Evanston, will be private.

GRADUATED IN 1895

Mr. Sexton was graduated from Lake Forest University Law School in 1895. He was an assistant city corporation counsel from 1897 to 1902, and first assistant from 1902 to 1905, when he returned to private law practice for 6 years.

He was the city's corporation counsel from 1911 to 1914, and again from 1931 to 1935. He was special traction counsel from 1935 until he retired June 30, 1959, because of ill health. In that capacity he worked on unification of Chicago transit companies and on legislation which cleared the way for formation of the Chicago Transit Authority.

Mr. Sexton, a former Chicago bar president, held the title of special traction counsel also from 1914 to 1915, and from 1921 to 1925.

He long was a leader in Catholic Church affairs and received a designation as a Knight of St. Gregory.

MEMBER OF IPAC

At one time he was a member of the Illinois Public Aid Commission and its predecessor, the Illinois Emergency Relief Commission. In World War I he was captain in the Judge Advocate General's office.

Surviving are a son, Andrew W., a State Department attorney in Washington, and a daughter, Mrs. William D. Kavanaugh, also of Washington.

Mr. Sexton's wife, Alice, died in 1945.

Mr. McCLORY. Mr. Speaker, I join in the remarks of the gentleman from Illinois [Mr. O'HARA] in paying tribute to the late William H. Sexton on the occasion of his demise following a long and distinguished life of public service. My personal acquaintance with Mr. Sexton dates back many years during my active practice of law in the city of Chicago and my frequent meetings with Mr. Sexton at the roundtable of the Chicago Bar Association.

Mr. Sexton's life was dedicated to the improvement of the administration of justice, to the enhancement of the legal profession, and to the welfare of his fellow man. I express the sentiments of many thousands of our Illinois citizens in paying respect to the memory of a great public figure and a great man, William H. Sexton.

A CHANNEL FOR RADIO-ASTRONOMY

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an article.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, we have made great progress in our Nation's radioastronomy in the last few years. Radioastronomers in the use of radio telescopes to probe outer space have made particular use of channel 37 of the ultra-high-frequency television spectrum. In fact, channel 37 is a band that can be used to receive signals that cannot be heard on other frequencies.

Since the enactment of legislation during the last Congress requiring manufacturers to equip their sets up to channel 82, there is increased commercial interest in all these higher channels. In fact, the Federal Communications Commission already has received applications for commercial use of channel 37.

Radioastronomers are very much interested that this channel be reserved for radioastronomy. I believe the investment we have made in installations such as the National Radio Astronomy Laboratory at Green Bank, W. Va., and the national interest indicate that we should reserve channel 37 for radioastronomy. I have already talked with officials of the National Science Foundation and the Federal Communications Commission about this issue, and I hope that early action will be taken to protect the use of channel 37 for radioastronomy.

I am including in my remarks an article from today's Washington Post dealing with this subject:

RADIOASTRONOMERS FIGHTING FOR CHANNEL 37

(By Howard Simons)

U.S. radioastronomers are battling to save a critical part of their science from certain extinction at the hands of commercial television.

If the astronomers lose their battle, they are telling Federal Communications Commission Chairman Newton N. Minow, it could very well mean that American science will lose the wherewithal to understand what is happening in the universe.

This is the story as pieced together from talks with radio astronomers and informed Government officials:

At issue is a specific channel on the ultra-high-frequency television spectrum. This is channel 37, which ranges from 608 to 614 megacycles.

Until last year channel 37 was essentially unwanted as a television channel even though it had been assigned to several American cities as part of the FCC's national television allocation plan.

FOUND IDEAL

So long as commercial television did not use channel 37, radio astronomers found it an ideal band to use for mapping certain areas of the heavens inaccessible on other radio frequencies.

Two factors helped the radioastronomers: the protection of an interested FCC, which juggled requests for channel 37 to keep it free for science; and the fact that European telecommunication officials had tacitly agreed to keep a comparable frequency free for their radioastronomers.

Last year the picture in the United States changed. The Congress enacted a multichannel television bill requiring that all television sets shipped in interstate commerce be equipped to receive channels 2 through 82. Until then, most American television sets were, and most still are, equipped to receive channels 2 through 13 only.

INTEREST RENEWED

Now, there is renewed interest in channel 37. Indeed, the radioastronomers face the immediate dilemma of battling against four companies in Paterson, N.J., that have applied to the FCC for a license to operate channel 37 in that city.

If the request is granted by the FCC, which in the words of one official, "has run out of juggling room on channel 37," one immediate result would be to interfere drastically with radio telescope studies being carried out at the University of Illinois and at the National Astronomical Observatory at Green Bank, W. Va.

This is so because the sensitive radio telescopes operating on the channel 37 frequency would probably pick up commercial television along with radiation from stars in the universe. In the case of the University of Illinois radio telescope, built at a cost of three-quarters of a million dollars, the telescope could become useless as it now is.

AIR EQUAL WORRY

But radio astronomers are equally worried about the longer range effects of losing channel 37. These essentially are two.

The first is that radio astronomers will be frozen out of the ultrahigh frequency television spectrum altogether, because there is no alternate channel available in this spectrum. Hence, as they are telling Minow, this would constitute a waste of an invaluable national resource.

The other reason for anxiety is that channel 37, already set aside for all intents and purposes in Europe and in Asia is the last hope for international agreement on a single such band for radio astronomers.

Just how American radio astronomers, who are speaking with one voice on the issue of channel 37 will fare cannot be predicted.

THREE ALTERNATIVES

Informed sources suggest that there are three alternatives open to the FCC, which in this particular case, has the power to decide the issue. These alternatives are:

The FCC can assign channel 337 to commercial television throughout the Nation and put radio astronomy out of business in this critical bandwidth.

The FCC can take channel 37 away from commercial television and save it for radio astronomy which essentially means allocating three instead of four UHF–TV channels to about 10 cities.

The FCC can compromise by saving channel 37 from commercial interests in one or two areas giving radio astronomers partial observation in these areas.

FIFTEENTH ANNIVERSARY OF USIA AUTHORIZATION

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on this 15th anniversary of the passage of Public Law 402 which granted the U.S. foreign information program legislative authority, I am happy to join with my colleagues in congratulations and good wishes to the U.S. Information Agency, to its dynamic director, Ed Murrow, and to all his coworkers. USIA is doing a tremendous job in building the image of the United States in foreign lands and especially among the peoples in the less developed lands.

Some years ago I had the honor to suggest for a group of distinguished Chicagoans the adoption by USIA of our project which became known as the Classics of Democracy series. This was based upon the thought that the classics of democracy that inspired our forefathers, if translated into native languages, could give similar inspiration to the peoples in developing countries reaching out, as did our forefathers, for guidance in their quest for the structure of democratic and representative government.

At the time that I made that suggestion to the House there was but one translation of The Federalist, and this was out of print. Today The Federalist is printed and distributed in many foreign countries, and the influence of that immortal work has been a factor in the fight for the minds and hearts of people that is far greater than that of any other factor. In similar manner other classics of democracy that inspired our forefathers have been translated and distributed in inexpensive editions throughout the world.

Secretary of State Rusk, Ambassador Adlai E. Stevenson, and Director Ed Murrow all in public statements have emphasized the outstanding contribution that the Classics of Democracy program has made in winning the hearts and the minds of peoples everywhere. My humble contribution in presenting this program to the Congress and to USIA. I regard it as among the most lasting achievements of my congressional service.

The Classics of Democracy project illustrates how outside advisory committees can be productive and fruitful. I remember that the gentleman from Ohio, Congressman FEIGHAN, and I attended a meeting of the Advisory Committee on Cultural Information, which at that time was under the able chairmanship of Dr. Mark A. May who was also Chairman of the U.S. Advisory Commission on Information.

Subsequent to our presentation the Committee was instrumental, especially its subcommittee on books and libraries, in assisting the USIA in the development of this most successful program. This entire experience demonstrates that public and private enterprise, working hand in hand, can produce important projects which help further the interests of the United States in this field where competition with the massive outpourings of Communist propaganda is keen and difficult. It is also an example whereby public initiative channeled through legislative representatives can influence the U.S. Government to act positively and in response to good ideas which spring up from our people throughout the country.

PROGRAM FOR BALANCE OF WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I have asked for this time in order to ask the distinguished acting majority leader if he can tell us something about the sessions that will be held for the balance of the week. We would appreciate the information because a number of Members are interested in such matters as special orders and other arrangements, of course.

Mr. BOGGS. I might inform the distinguished minority leader, as he knows, that there is no legislative program for this week. But, the House will meet tomorrow, Tuesday, to receive a message from the President on education. The House will not be in session on Wednesday, but it is anticipated that we will be in session on Thursday when we will receive a message from the President and then we will probably adjourn over.

Mr. HALLECK. In other words, it is likely that the House will adjourn over from Thursday to Monday next?

Mr. BOGGS. The gentlemen is correct.

Mr. HALLECK. I thank the gentleman.

MASS TRANSIT—RELIEF FROM THE HARDENING OF OUR TRANSPORTATION ARTERIES

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, on September 19, 1962, I made a statement on the floor of the House that—in regard to the mass transit bill—seldom have we in the Congress had an opportunity to accomplish so much with so little.

Today, January 28, 1963, I am introducing a bill similar—with one exception—to the one last year on which we, in the Committee on Banking and Currency, conducted extensive hearings. This bill became one of the logjam casualties of the 87th Congress even though both House and Senate legislative committees reported it favorably.

Since time and procedural delays were the only causes for the inconclusive results in 1962, there is real hope that an early start will achieve the comprehensive approach which is so necessary to the continued growth and prosperity to cities like Pittsburgh. I join my colleagues from similar areas who hope for the relief from the hardening of the transportation arteries from which so many American cities and towns are suffering.

WHAT THE BILL DOES

The legislation is designed to encourage additional investment by local and State governments, as well as private investors, in improving facilities for moving people by mass transportation means — whether railroad commuter, rapid transit or motor buses—in order to relieve mounting traffic congestion which is strangling urban areas. We have provided well for highway needs—$20 billion for urban highway construction alone. For certain problems, however, another alternative must be presented which hithertofore has not. As a result, we are paying a high bill for roads.

This measure provides authorization for a 3-year program of matching grants to States and local public bodies on the same basis as the urban renewal program, with two-thirds Federal grants and one-third local matching funds, $100 million authorized the first year and $200 million each of the succeeding years.

Although the funds would go to public bodies such public bodies would not have to operate the transit facilities and equipment themselves. They could acquire the equipment and lease it to a private operator. In fact, the bill makes clear that its intent is to encourage private operation and contains safeguards against unfair competition by public bodies or unfair acquisition.

Grants will be made on a net project cost, which means that estimated revenues from the system will first be set aside, bonds will be floated, and of the remainder, two-thirds Federal and one-third local contribution will be applied to costs which cannot be met out of the fare box.

Eligible facilities and equipment would include terminal facilities, rights-of-way, buses and other rolling stock. No grants funds would be used for the payment of ordinary governmental expenses.

The bill also renews the $50-million loan fund approved in last year's legislation, but provides that loans cannot be used where grants are used, or vice versa. It also sets up a fund for research to improve mass transportation methods.

Other features include emergency programing, demonstration projects, and relocation requirements. Perhaps the Westinghouse elevated guide rail system would be a feasible proposal for a demonstration project in Pittsburgh.

SUPPORT FOR SUCH A BILL

Last Congress both Houses reviewed this legislation thoroughly. I know, for I spent countless hours hearing testimony and offering suggestions. By introducing it so early this time, there should be enough elbow room to maneuver for a vote. Of the 66 witnesses we heard only 2 opposed the bill. Those supporting it were groups such as: American Municipal Association, representing more than 13,500 municipalities; U.S. Conference of Mayors, representing cities over 30,000 population; National Association of County Officials, representing over 3,000 counties in 44 States; National Housing Conference; National Association of Mutual Savings Banks; Association of American Railroads; Railway Labor Executives Association, representing all railway labor brotherhoods; National Association of Housing and Redevelopment Officials; AFL–CIO.

Such support was partially induced by the existence of a temporary Federal transit program, administered by the Housing and Home Finance Agency. More than 200 communities had inquired at the HHFA last year.

OTHER SIGNS OF RECEPTIVITY

There are other signs, too, of increased receptivity to mass transportation. New York, New Jersey, and Connecticut are working together on regional transportation plans through the tristate transportation committee. New Jersey has established, through its highway department, a program of assistance and planning to help commuter railroads. In the Washington, D.C., area, planners have indicated that transit needs are among the major consideration in the year 2000 plan. Philadelphia continues to plan for broadened service, and Los Angeles officials have clearly indicated that their reliance upon the freeway is inadequate.

One of the most significant of the recent events was the approval last November by the San Francisco area voters of $792 million for a regional transit system. Bay area residents have chosen to tie their transit program into plans for over 11 regional developments, and apparently this approach will pay dividends. The exception I have put in the bill would cover the San Francisco plan retroactively since it should not be penalized by its initiative and foresight.

In the city of Pittsburgh, we have solved many of the problems which appeared to doom our city. After the devastating flood of 1936, we saw that our first problem was flood control. After solution of this problem was in sight, we saw that our next problem was air pollution and smoke control. The next problem was urban blight and slums. Urban renewal and public housing are helping us to solve this problem. Now we find that even if we can solve the other problems the city will strangle to death on automobile congestion if we cannot solve the problem of mass transportation.

AFFORDING RELIEF TO PURCHASERS OF SERIES E SAVINGS BONDS

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I have today introduced a bill to protect individual investors in series E Government bonds from paying taxes where inflation since date of purchase has exceeded the amount of interest earned.

The bill is as follows:

A BILL TO PROTECT FUNDS INVESTED IN SERIES E UNITED STATES SAVINGS BONDS FROM INFLATION AND TO ENCOURAGE PERSONS TO PROVIDE FOR THEIR OWN SECURITY

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 121 as section 122 and by inserting immediately before such section the following new section:

"SEC. 121. INTEREST ON SERIES E BONDS WHERE PURCHASING POWER OF REDEMPTION PROCEEDS IS LESS THAN PURCHASING POWER OF ORIGINAL COST.

"Gross income does not include the interest received on the redemption of any series E United States savings bond where the purchasing power of the aggregate of such interest and the price paid for such bond is less than the purchasing power of the price paid for such bond."

(b) The table of sections for such part III is amended by striking out the last item thereof and inserting in lieu thereof the following:

"Sec. 121. Interest on series E bonds where purchasing power of redemption proceeds is less than purchasing power of original cost.

"Sec. 122. Cross references to other Acts."

(c) The amendments made by this Act shall apply to redemptions of series E United States savings bonds made after the date of the enactment of this Act in taxable years ending after such date.

Mr. Speaker, I believe that by all means the Ways and Means and Finance Committees should include this provision in any tax measure which is reported.

Hundreds of thousands of American citizens have bought series E bonds on the Government's plea to help. Now, 20 years later, their investment plus interest is worth less than they paid for such bonds 20 years ago. Congress should act to at least relieve people from paying income taxes on interest which does not equal the loss of purchasing power of their original investment; but even further, the fact that such a bill is necessary should be evidence that a continuing policy of spending more than we take in can only be done at the expense of series E bonds, insurance, social security and other fixed income as well.

Tax relief is desired by all, but if it is to come at the cost of each person's insurance, retirement funds, or investments, it is open to serious question as to whether it is sound. I am willing to be shown, but it will take some showing.

HEARINGS ON PRESIDENT'S ECONOMIC REPORT

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Joint Economic Committee began its hearings this morning on the President's Economic Report. These hearings will go on for the next 2 weeks. The President has already presented to the Nation and to the Congress his basic economic theory which lies behind various proposals he makes to the Congress, particularly tax cutting. There has been no equal opportunity, of course, for those who disagree with this theory and the basic theory in his budget message, the basic theory in his economic report, the basic theory in his message on the state of the Union or in his presidential message on tax reform to express our point of view.

Accordingly, to start this debate going I have asked permission to put in the body of the RECORD today my own remarks in which I comment primarily on the President's Economic Report.

I also obtained permission to address the House for 1 hour on Thursday, so that any who might wish to take exception to or to comment further on what I have put in the RECORD today will have that opportunity. On Thursday, I intend to discuss in more detail the points I make in my remarks appearing in the RECORD today on the economic condition of our country.

FRAUDULENT USE OF CREDIT CARDS

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, I am introducing a bill today, to be substituted for H.R. 1033 which I introduced on January 9, 1963, to amend title 18 of the United States Code to prohibit the fraudulent or unlawful use of

credit cards that have been lost, stolen, and so forth.

Credit card frauds have increased at a phenomenal rate in recent years. From 1955 through 1961, it is estimated that they have increased 1,100 percent. These crimes affect many millions of people in this country to whom credit cards have been issued as they are liable for the use of such cards prior to notifying the issuing companies in the event they are lost or stolen. Federal legislation should help to act as a deterrent to the fraudulent use of such credit cards.

A number of State legislatures, including that of Ohio, have recognized the need for legislation to cover the fraudulent use of credit cards. However, because, for example, oil company credit cards and telephone credit cards are honored nationwide and used by a mobile population, the matter is appropriately a Federal interstate one. In the period of a month a person committing credit card frauds can travel through many States prior to the time that the person to whom the card has been issued may be aware that the card is being misused. Because of the mobility of the person committing the fraud, he is often beyond the reach of the State where it was committed.

The greater reach of, and respect for, a Federal criminal statute is needed as a deterrent to such interstate wrongful conduct, and to protect the millions of innocent credit card holders who may be victimized by it.

It is my hope that the Committee on the Judiciary will act on this legislation in the near future.

ANNUAL REPORT OF THE NATIONAL ASTRONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 52)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed:

To the Congress of the United States:

In accordance with section 206(b) of the National Aeronautics and Space Act of 1958, as amended, I transmit herewith a report for the calendar year 1962, on this Nation's aeronautics and space activities.

The year 1962 was a period of acceleration, accomplishment, and relative progress for the United States in its space leadership drive. In both numbers and complexity of space projects, the past year was the most successful in our brief but active space history.

The benefits of our peaceful space program, in both its civilian and military aspects, are becoming increasingly evident. Not only have the horizons of scientific knowledge been lifted, but the resulting international cooperation and worldwide dissemination of knowledge and understanding have strengthened the world image of this country as a force for peace and freedom. The economic benefits of our national space program are also revealing themselves at an increasing rate.

These growing space successes have required the support of increasing budgets. Thus, the recommended budget which I submitted to the Congress earlier this month contains requests for funds for the fiscal year 1964 space program in the total amount of $7.6 billion. This is an increase of $2.1 billion over fiscal year 1963, $4.3 billion over fiscal year 1962, and $5.8 billion over fiscal year 1961.

In summary form, the accompanying report depicts the contributions of the various departments and agencies of the Government to the national space program during 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

SIXTH ANNUAL REPORT OF THE OPERATION OF THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 51)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, referred to the Committee on Ways and Means and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby transmit the sixth annual report on the operation of the trade agreements program. This report was originally prepared pursuant to section 350(e)(1) of the Tariff Act of 1930, as amended, which has now been superseded by section 402(a) of the Trade Expansion Act of 1962.

This report demonstrates that we have made good progress toward accomplishment of our goals in the international trade field during the course of the past year. For example, world trade again reached a new high level. U.S. exports also rose and maintained a significant margin over imports, with consequent improvement of our balance-of-payments position.

In the summer of 1962 we completed tariff negotiations, which lasted almost 2 years, under the aegis of the General Agreement on Tariffs and Trade. While we were hampered in these negotiations by the severe limitations of the Trade Agreements Extension Act of 1958, some real progress was made in clearing the way for a greater flow of profitable international trade.

Now, however, we face the challenge of the tremendous growth of the European Common Market, an economy which can soon be expected nearly to equal our own. The passage of the pace-setting Trade Expansion Act of 1962 provides us with the tools necessary to meet this challenge, maintain our own economic growth, and, together with the Common Market, continue our efforts to promote the strength and unity of the free world.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

FIRST ANNUAL REPORT OF THE OFFICE OF CIVIL DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 50)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed with illustrations:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress, the First Annual Report of the Office of Civil Defense as submitted by the Secretary of Defense. This report covers the civil defense functions assigned to the Secretary of Defense by Executive Order 10952, which are the preponderance of the functions under the Federal Civil Defense Act of 1950 (Public Law 920, 81st Congress).

This report is submitted in accordance with section 406 of that act, and covers fiscal year 1962.

Information pertaining to civil defense activities of other agencies, and in particular those assigned to the Director of the Office of Emergency Planning, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare, under Executive Orders Nos. 10952, 10958, and 11051, is contained in the published 12th Annual Report of the Activities of the Joint Committee on Defense Production.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

ELEVENTH REPORT OF OPERATIONS UNDER THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

In accordance with the provisions of section 108 of Public Law 87-256, I transmit herewith for the information of the Congress the 11th report of operations under the Mutual Educational and Cultural Exchange Act of 1961 during the period July 1, 1961, to June 30, 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

THE NEED FOR A DELEGATE FROM THE DISTRICT OF COLUMBIA

The SPEAKER. Under previous order of the House, the gentleman from Maryland [Mr. MATHIAS] is recognized for 60 minutes.

Mr. MATHIAS. Mr. Speaker, I have today introduced a bill to establish, in and as a part of the House of Representatives, the office of Delegate from the District of Columbia, and to provide

for the election of that Delegate by the residents of the Nation's Capital.

Each Member of the House spends a substantial amount of time on services to the constituents whom he represents. These services are an inherent part of our duties as Members, and we welcome the opportunity to perform them. Those of us who serve on the House Committee for the District of Columbia have an added burden of constituent service work, because of the requirements not only of our own congressional districts, but also of the citizens of the District of Columbia. Although they have not elected us, Washingtonians must turn to us for advice and help because they have no official in the Congress whom they have elected and to whom they can turn. Under the bill which I have introduced today, the Delegate from the District of Columbia would be able to perform much of this work on behalf of the District residents who elected him, which would be a very substantial help to those Members like myself who serve on the District Committee.

The Delegate to the House would serve another important purpose both to the citizens of the District and to the Congress, because he would provide a voice on Capitol Hill for the several hundred thousand citizens who live here and who cannot vote in any State. While the Delegate constitutionally could have no power to vote, he would have the right of debate. There is a long line of precedents, stretching back through the history of the many delegates which have served in this House from the territories, that he would also have the right to introduce legislation. These territorial delegates, as well as Resident Commissioners such as our colleague from Puerto Rico, have long served a useful purpose on behalf of the House of Representatives itself, the constituents who elected them, and the Nation as a whole. The lessons learned from these helpful relationships can, I feel sure, be successfully applied over the years in the development of the office of the Delegate from the District of Columbia.

Finally, I am satisfied, that there is strong local support here in the District for this delegate bill, as one very concrete way of giving the residents of this city an opportunity over the years to help themselves to develop continuously an improved sense of responsibility and maturity among the permanent residents of the Nation's Capital.

TWO-PRICE COTTON

The SPEAKER. Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 60 minutes.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

North Carolina?

The SPEAKER. Is there objection to the request of the gentleman from

There was no objection.

Mr. WHITENER. Mr. Speaker, I have asked for time today in order that I may again bring to the attention of my colleagues the situation concerning our domestic textile industry by reason of the unfair two-price cotton situation now existing.

This is a matter of grave concern to the entire Nation and should command the immediate attention of all who are charged with the responsibility of legislating in behalf of the American people. The preservation of a strong textile industry in America is vital to our economic welfare, as well as to our defense posture. On many occasions during the past three Congresses it has been my privilege to discuss with my colleagues, publicly and privately, the importance of the industry in each of these areas.

In the State of North Carolina we have a particular interest in maintaining a strong and healthy textile industry. There are more than 1,000 textile mills located in 76 of the 100 counties in the Tar Heel State. This industry is the largest that we have in our State. It employs approximately 50 percent of the people engaged in manufacturing in North Carolina. It pays annual wages of between $800 and $900 million per year. This constitutes four times the combined payrolls of the State's tobacco and furniture industries.

The North Carolina State government is in a large measure dependent upon a healthy textile industry since approximately one-third of the State's individual and corporate income tax and sales tax collections come from this source.

One thousand North Carolina textile plants produce annually approximately $3 billion worth of yarn, fabric, and apparel, which is approximately three times the dollar value realized from the operation of farms in North Carolina, notwithstanding that we have the second largest number of farms to be found in any State in the Union.

While the North Carolina textile plants are engaged in both cotton and synthetic textile production, our cotton textiles represent the largest portion of the textile production in the State. We produce more than one-half of the cotton yarns produced in America and approximately one-fourth of the Nation's broad cotton goods. These facts immediately point out to any observer the reason and necessity for a keen interest on the part of all our citizens in North Carolina in preserving an aggressive and vibrant textile industry.

During recent years the acceleration of textile production in many other nations of the world and their subsequent exporting to the United States has been presenting a monstrous problem to all of us. There is no doubt in my mind that all Members of the Congress are by now thoroughly aware of this import problem and its devastating effect upon the American economy.

On Wednesday of this week the Cotton Subcommittee of the Committee on Agriculture of the House of Representatives will conduct hearings on legislation which has been introduced with the desire of eliminating one of the great problems confronting those who earn their livelihoods in the textile plants of America. I refer, of course, to the elimination of the two price cotton situation which constitutes such an unfair competitive advantage in favor of foreign manufacturers.

Many of our textile people tell me that if we can eliminate the 8½ cents per pound, or $42.50 per bale, price advantage which the foreign manufacturers enjoy we can compete with these foreign competitors. It seems to me that the American people should at least be given this even chance of competing, particularly when we consider that a foreign manufacturer is able to purchase American-grown cotton which has been in part subsidized by our own textile industry at a price below that paid by our own American industry.

This two-price system results from the price support program which the Congress created in behalf of the domestic cotton producer. By reason of this price support program our American cotton is not competitive in the world market, and hence the 8½-cent reduction which we must make in order to keep our cotton flowing in world trade. Whatever our thought may be as to the wisdom of the price support program, I think that we must all agree that it is not in the public interest to continue to burden the American people who are dependent upon the textile industry with the cross of two-price cotton.

I believe that it must also be agreed that it is a shortsighted policy in the long pull to continue this unfair situation insofar as the American cotton farmer is concerned. After all, the principal market has been, and probably will always be, the American textile manufacturing industry insofar as domestically produced cotton is concerned. Unless this market is preserved the subsidies and price supports to the farmers will soon vanish from our statute books along with the cotton farmer as a member of our economic family. When this has happened we will all be the losers as a result of a shortsighted policy of two-price cotton.

I would also call to the attention of those who would be friends of our cotton producers that there is presently a great upsurge in conversion from cotton textiles to synthetic textiles and that this also threatens the domestic market for the cotton producers in a way which should cause great alarm in our agricultural economy circles.

Let me review briefly some of the recent experiences of the American textile people.

In 1947 American mills exported approximately 1.5 billion square yards of cotton cloth. By 1961 our exports had dropped to approximately 500 million yards. This loss of 1 billion square yards per year in our cotton textile cloth exports has been a great blow to the American industry and to the economic life or our Nation. We not only have lost a good portion of our export market, but during the same period foreign mills have greatly increased the sale of their cotton textiles in the United States. This resulted because of the great price advantage which foreign manufacturers have enjoyed due to lower labor costs and the 8½ cents per pound price advantage that the foreign manufacturers

had in the cotton which they were running.

Prior to World War II our Nation exported vastly greater amounts of textiles than were imported into this country. Following World War II we saw the trend changing and by 1961 textile exports were exceeded by imports to the extent of 27 percent. While figures are not available for 1962, it has been reliably estimated that the difference between imports and exports would probably amount to 30 percent or more.

In 1955 imports of cotton textiles represented the equivalent of approximately 181,000 bales of cotton. By 1956 these imports represented 225,000 bales of raw cotton. By 1958 it was 234,000 bales equivalent. In 1960 this had risen to 526,000 bales equivalent, and in 1962 imported textiles amounted to the equivalent of 672,000 bales of raw cotton.

Since 1956 the greatest growth in foreign imports has been in yarns and coarse goods, in which the cost of cotton is the largest single factor. In 1952 we imported 250,000 pounds of carded, combed cotton yarns; by 1962 these imports had grown to 29.9 million pounds, an increase of 11,860 percent.

So, we can see that since World War II, and more particularly in the past 10 years, the American cotton manufacturing industry has been losing a foreign market of approximately 1 billion square yards a year and at the same time was losing another billion yards a year in sales on the domestic market.

It was during this period synthetic fibers began to claim growing portions of the domestic textile market. This, in part, has been brought about by the artificial pricing system which we now experience and which we refer to as the two price cotton system. The American textile man has not been able to reduce his price to the level of his foreign competitor because of the artificial pricing system that has developed in the cotton trade. Some observers have estimated that synthetic fibers, paper, and plastics displaced cotton textiles to the tune of 875,000 bales in 1962 alone. How long can the agricultural economy stand this loss of market even if it were possible for the domestic textile industry to combat the many problems that have been created for it? Happily, some of our agricultural leaders have come to the conclusion that the time has arrived to take positive steps to eliminate this ogre from the domestic textile scene. One of these was the Secretary of Agriculture, Hon. Orville Freeman, who on November 13, 1961, recommended to the President that he request the U.S. Tariff Commission to make an immediate investigation under section 22 of the Agricultural Adjustment Act with the view of eliminating the two-price cotton system.

At that time the Secretary stated that he had reason to believe that articles and materials made of cotton were being imported into the United States in such quantities as to render ineffective, or materially interfere with, the program and operations of our Government with respect to cotton, or to reduce substantially the amount of products processed in the United States from cotton. The Secretary pointed out that the programs and operations for upland and long staple cotton which were being threatened by the two-price system included our price-support programs, acreage allotment, marketing quota programs, and the export subsidy program for cotton and cotton products.

He pointed out that 525,500 bales of cotton were used to manufacture cotton textiles imported into the United States in 1960 and that this represented a record high at that time. He further pointed out that over the 5 years ending in 1960 imports of cotton textiles increased at an average annual rate equivalent to about 69,000 bales.

Secretary Freeman in his letter to the Chief Executive stated that since World War II aggregate mill consumption of cotton has tended to decline and that this decline in consumption per capita in the United States was from an annual average of about 29.3 pounds per person in the 1946–55 period to about 23.9 pounds per person in 1956–60. He further stated that the increase in cotton textile imports had importantly contributed to the decline in mill consumption of cotton and that on a per capita basis, imports of cotton textiles increased from about the equivalent of 0.5 pound per person in the United States in 1955 to approximately 1.4 pounds per person in 1960. Significantly, Mr. Freeman stated that "the sharp rise in the per capita rate of imports of cotton textiles occurred during the period when export subsidies and export differentials were relatively large and were consistently paid."

Mr. Freeman concluded that it was evident that imports of articles and materials wholly or in part of cotton, will render or tend to render ineffective, or materialy interfere with, the Department's programs for cotton and products thereof, or will reduce substantially the amount of products processed in the United States from cotton.

Mr. Speaker, those of us who have been close to this problem through the years were greatly encouraged by the positive action taken by the Department of Agriculture at that time. We were further encouraged when on November 21, 1961, the President in a letter to the Tariff Commission directed that an investigation be made as requested by the Secretary of Agriculture and that the report be "completed as soon as practicable."

This feeling that progress was being made had a very short life, however. Those of us who appeared before the Tariff Commission during the taking of testimony could readily detect that a majority of the members of the Tariff Commission were hostile in their attitude toward granting the relief which was so sorely needed by the American people. This attitude was apparent, notwithstanding the brilliant presentation made by representatives of the Department of Agriculture and by representatives of the textile industry and labor. Those of us who followed the case with avid interest felt that the evidence presented fully warranted the allegations made by the Secretary of Agriculture in his request that the President refer the matter to the Tariff Commission for investigation. We felt that it was inescapable that a favorable decision would be rendered, notwithstanding the unnecessary delay that seemed to be the attitude of the Tariff Commission. Finally, on September 6, 1962, in a 3-to-2 decision the Tariff Commission denied to the American people the relief to which we felt they were entitled on the evidence presented in the case.

At this point, Mr. Speaker, I would like to pay tribute to Commissioners Walter R. Schreiber and Glenn W. Sutton for their dissents, which, in my judgment, were fully supported by the evidence and represented the decision which would best serve the American people. These two Commissioners recommended that there be imposed on dutiable articles wholly or in chief value of cotton, a fee of 8.5 cents per pound, but not less than 20 percent ad valorem, so long as the total fee imposed did not exceed more than 50 percent ad valorem. These two gentlemen significantly pointed out that the Commission was a creature of statute and was not vested with legislative discretion or authority and that it was not the proper function of the Commission to take issue with the legislative policy involved. They further stated:

> Under our system of government, any Commissioner who has any scruples or reservations about carrying out the will of the Congress should perforce disqualify himself from accepting or holding office. We, therefore, wish to state unequivocally that our findings represent our best effort to respond to the mandate of the Congress, and are in nowise to be construed as registering any personal predilections either of us may have as to what the law should or should not be.

I am sure that this quotation from the dissenting opinion requires no amplification in order for any of us to understand what must have gone on in the consideration of the evidence and the report to be submitted by the Tariff Commission as the Commissioners met in their private conferences. I think that the admonition of these two distinguished dissenting Commissioners is one which should be repeated over and over again to so many of the Government agency people who seem to have such a bent for thwarting the will of the Congress.

In further support of their view that the section 22 relief should be granted, Commissioners Schreiber and Sutton on page 22 of the report to the President on "Investigation No. 22–25"—TC publication 6 had this to say in section (5):

> (5) The majority attempts to justify their position by minimizing the quantity and impact of imports by broad comparisons with total domestic consumption of cotton, and by setting up competition with rayon and other manmade fibers as the primary interference experienced by the cotton programs. Neither of these factors can withstand the burden of the majority's position.
>
> A graphic measure of the extent of imports can be gained from the following statistics. The cotton content of imported cotton articles during 1962 is expected to be in excess of 700,000 bales. The quantity will be even greater than the 1960 peak of 525,500 bales and more than 23 times the import quota on Upland type cotton, under 1⅛ inches in staple length. It will exceed the quantity of cotton produced in 1961 in each of the States of North Carolina, South Carolina,

Georgia, Tennessee, Alabama, Missouri, Louisiana, Oklahoma, and New Mexico. The acreage required to produce this quantity of cotton is larger than the 1961–62 acreage allotments in each of the States of Arizona, Louisiana, Missouri, New Mexico, North Carolina, and Tennessee, and about equal to that of South Carolina.

In addition, 700,000 bales is equivalent to four times the raw cotton consumption of one specific U.S. textile mill which is considered to be the largest single unit textile concern in the world. This particular mill has nearly 450,000 cotton spindles and 9,000 looms and employs some 11,000 persons. Indeed, it would take the entire cotton textile industry in the United States approximately a month to consume this quantity of cotton at present levels of textile production.

In years of extremely favorable exports of U.S. cotton, it would take about a month to ship this much cotton from U.S. ports. As a matter of fact, very few of the leading exporting firms ever export as much raw cotton in a single marketing year as the cotton contained in the anticipated import level in 1962. During the 1960–61 season (a good year for exports) only three countries took more than 500,000 bales of our total exports.

The domestic competition from manmade fibers is not new, and whatever its intensity may be, it is not an appropriate factor for consideration in this investigation. This investigation is directed toward imports of cotton products, and if such imports are in fact materially interfering with the programs, it is irrelevant that other unrelated factors are also causing problems. Insofar as the Commission's functions in this investigation are concerned, it is of no consequence that speculative guesswork leads to the possible conclusion that, in the event effective import restrictions should be imposed on cotton products, the void occasioned by the absence of imported cotton products might be filled in part by domestic manmade fiber products. This line of argument is obviously circuitous, hypothetical, and self-defeating. Some of the void created (and, in our opinion, the greater part thereof) would inevitably be filled with domestic cotton products.

Mr. Speaker, I have given this history of the section 22 Tariff Commission action in order to give to my colleagues a brief picture of the background factors which now must be considered as we approach a legislative decision on this vital matter. On Wednesday of this week as the Cotton Subcommittee of the House Committee on Agriculture hears the testimony of those of us who are so vitally interested in this matter, we all should have a feeling of regret that it is necessary to seek legislative relief from a problem which could have been and should have been solved by a proper decision and recommendation by the Tariff Commission.

There is no legislative decision, available, it now appears, which will not cast an additional burden upon the taxpayers of this country. This is a burden which should not have been placed upon our already overburdened taxpayers. The imposition of an offset fee on imported cotton textiles at the rate of 8½ cents per pound for the cotton equivalent of those imports would have placed the burden upon foreign industry as such burden should be placed. This, however, was not done, and we must now seek some other means of protecting a vital segment of our industrial and agricultural economy at the further expense of the taxpayers of America.

Mr. Speaker, it seems to be the unanimous opinion of the textile manufacturers with whom I have discussed this matter that they do not desire any direct subsidy paid into their hands. I believe that they would almost unanimously express regret that any action must be taken which would further burden the American people. The burden, however, with which our domestic textile industry is faced is an artificial one created entirely by programs by our Government and forced upon those who earn their livelihoods in the textile plants of this country. Government policy has threatened the jobs of more than 200,000 North Carolinians who are directly employed in the textile industry and millions of others in other parts of the Nation who directly and indirectly derive their livelihood from the textile industry. Our Nation's defense posture has been placed in jeopardy by Government policy which, if uncorrected, may render inestimable damage to our national security.

I, therefore, urge that all of our colleagues from all sections of this Nation give serious and earnest consideration to the problems confronting the domestic textile industry and the employees in that industry, as well as in the allied trades who derive their income from this great manufacturing segment of our economy. We must find an answer to this problem which was created here in Washington.

In conclusion, Mr. Speaker, I express the hope that the Committee on Agriculture of the House of Representatives in its deliberations will be able to produce legislation which will be acceptable to the Members of this body and to the Members of the other body on the other side of the Capitol. This legislative solution should be one which will relieve the domestic textile industry of the unfair competitive advantage now enjoyed by foreign manufacturing concerns with a minimum burden to the American taxpayer.

The legislation introduced by my distinguished colleague, the gentleman from North Carolina [Mr. COOLEY], is a step in the right direction, and I have every confidence that when the Congress of the United States has worked its will upon this bill that we will have strengthened our Nation and served the interests of all of the people as we bring about a strengthening of the competitive position of the American textile industry.

Mr. Speaker, since the introduction of H.R. 2000 by the gentleman from North Carolina, Congressman COOLEY, I have mailed an explanatory statement with reference to this legislation to many of our textile people in my congressional district. Many of them have replied giving their views, and I wish to insert at this point in the RECORD these replies without the use of the names of the individuals who wrote.

Re Congressman COOLEY's cotton bill, H.R. 2000.

JANUARY 22, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR BASIL: Needless to say, we are wholeheartedly in favor of this bill. We hope very much you will be strongly behind it and imagine you will feel that way. As HAROLD COOLEY has said, other needed legislation as to cotton can be worked out later on after this urgently needed enactment takes place.

With best wishes.

Sincerely yours,

———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: Thank you for sending me a copy of the statement issued by Congressman COOLEY on the introduction of his bill, H.R. 2000. I am heartily in favor of the enactment of the amendment which he proposes.

It is good to know that you are doing all you can to eliminate the two-price cotton program now in effect and I certainly hope your efforts along this line will be effective.

With all good wishes to you, I am,

Sincerely yours,

———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: I was really much interested in your statement regarding the situation on the so-called two-price cotton program. I think it would be to our mutual advantage if you would do all possible to get this eliminated as I am sure you are familiar with this area and it is hurting us to no end.

Also, I and many other people in your area would appreciate your doing all possible in the present spending of taxpayers money on the foreign aid bill to see if something can't be done to cut this down and try to hold our budget far below what is being asked.

It was certainly nice seeing you in Spindale at the Rotary basketball tournament, and I personally appreciate your attendance and hope that you will stop by to see us at any time you are in this vicinity.

With kindest personal regards, I am,

Sincerely yours,

———.

JANUARY 23, 1963.

Congressman BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: Thank you for your letter of January 21 and the copy of the statement issued by Congressman COOLEY on the introduction of his bill to relieve the domestic textile industry of the present inequity in the so-called two-price cotton program.

I in particular, and I am sure a great majority of your constituents, appreciate your stand on this and other legislation that is so vital to the economy of our area. I know that you will vigorously support it, and I will appreciate your advising me of any way that I can add further emphasis.

Sincerely,

———.

JANUARY 23, 1963.

Re your letter of January 21.

Hon. BASIL L. WHITENER,
Washington, D.C.

DEAR SIR: We must keep trying until this two-price cotton is eliminated.

Due to the standards of living in the United States we cannot continue in small business, unless there is a change.

We cannot compete with the foreign countries, due to their low labor cost, and low-priced goods shipped to us for sale.

I would suggest the rise in price to foreign countries to 8½ cents per pound rather than

than lowering the price in the United States to their standard.

Sincerely yours,

——— ———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR BASIL: The writer has received your letter of January 21 requesting my views with respect to the legislation introduced by Congressman COOLEY on equating the price of American cotton, both to the spinning mills of our country as compared with the spinning mills of foreign nations.

I am fully in agreement with the idea of this equating on the raw cotton prices, but the writer has rather mixed emotions as to what this will accomplish from the standpoint of competition.

We cannot possibly conceive that the American textile industry, with this subsidy on raw cotton, can compete with textile plants making similar products abroad.

We have never been in favor of subsidies at the expense of the taxpayer, and historically, legislation of this kind when put into effect usually remains in effect for an indeterminate length of time.

It would be interesting to observe the effects on the ultimate consumer, the American public, of the finished product and to what extent this subsidy in the form of raw cotton would be reflected as a savings to the American consumer.

What, in my opinion, would be much more interesting to explore would be a complete analysis of the American public's consumption of textile goods, either in the form of cloth or garments, or a combination of both, and an allocation based on this analysis be made to those foreign countries whom we feel are friends of the United States, and whose textile industry needs some support from us in the way of free trade.

We still feel that some restraint on imports from abroad in the form of yarn, cloth, and/or garments would help the American textile industry immeasurably more than equating the two-price cotton program now in effect.

I have always admired your strong support of anything that will help our textile industry, and know that if this legislation is put into effect, you will be a strong contributing force to the enactment of this bill.

If you have any information which would tend to clarify my thinking on the allocations given to the foreign countries on goods imported to the United States, I would appreciate your views on same.

May I take this opportunity of wishing you and your dear family everything good for this year of 1963, and will look forward to hearing from you personally on your next trip to our good hometown.

With warmest personal regards, I remain,

Sincerely,

——— ———.

JANUARY 25, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: In reference to your letter of January 21, I will gladly give you my views on the two-price cotton program about to come before Congress.

I am very much opposed to subsidizing foreign purchases, but at the same time, I oppose subsidizing American industry as well as any Government subsidies for any person.

It looks like the Federal Government is going to make another mistake to help cover up an original mistake in trying to get into the cotton business in subsidies to the farmer years ago.

With imports and Government policy, we are driving cotton textile mills out of the cotton business. For your information, one of the biggest cotton consumers in the Southeast will shortly announce that they are putting one of their large plants on blends of synthetics and cotton. The mill is Springs Cotton Mills, with which you are familiar. I am sure that this will be followed by other cotton mills, because I happen to know quite a few who have been quietly experimenting with synthetic fibers as a cotton replacement. Within a few years, I believe the cottongrowers will find themselves in a similar position to the coal industry after World War II if the textile industry as a whole can survive all the imports it must face.

Congress should do whatever it plans to do as soon as possible, because the cotton industry is in a dilemma and will remain so until the Government acts on this whole cotton program.

Sincerely yours,

——— ———.

JANUARY 23, 1963.

BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

SIR: In reply to your communication of January 21, regarding two-price cotton, I personally see no reasoning behind the idea of an added subsidy for cotton in the United States.

I believe we should take off the 8½ cents per pound allowed foreign purchasers and make them pay the same amount as the American market; let the cotton farmer paddle his own canoe if he overproduces, or let him sell his surplus to foreign countries at less money if he chooses to overproduce.

Very truly yours,

——— ———.

JANUARY 26, 1963.

Mr. BASIL L. WHITENER,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR WHITENER: Thank you for your letter of January 21, in which you solicited my reaction to Congressman HAROLD D. COOLEY'S cotton bill. I am in full agreement with the proposal of this bill H.R. 2000. While some of these foreign nations were in distress as a result of World War II, it was in order to assist them in every possible way to improve their economy.

However, today when the "poor have become rich" and endanger our own economy, I feel it is time to change rules and regulations.

I believe it is the Congress primary duty to look out for the welfare of its own Nation. European and Asiatic nations already have the advantages of considerable lower wages, and since we do not have adequate tariff protection it is hard to understand why we should further jeopardize our textile industry by giving an 8½ cents cut per pound price concession on export cotton. Nobody minds to face competition as long as the basic principles are sound. That is the life (or spice) of business. But with two strikes against every batter, it is hard to win a game.

I know that in order to maintain a reasonable export volume, foreign countries must earn American dollars to sustain their purchasing power for some of our products. But this should not be accomplished through the threat of sacrificing one of our own industries.

As you know, textile employment has decreased very substantially. This was due to increased economics in our plants in order to meet foreign competition. In some cases mills liquidated as they could not operate profitably.

I know that overproduction is bad, very bad; but why do we then encourage overproduction of cotton goods by selling staple at a lower price to foreign countries who in turn flood our market? Would it not be more advantageous to build mills with American money in foreign countries and then export the goods to the United States? And increase unemployment here.

Did I write much and say little? If so, I'm sorry.

Respectfully yours,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: In reply to your letter of January 21, I wish to advise that I am strongly in favor of H.R. 2000 which was introduced by Congressman COOLEY on January 17, 1963. I do not think that it is ideal by any means, but, certainly, it provides definite relief to the domestic textile industry which, we all admit, is badly needed.

Those who have made a much more comprehensive study than I have regarding the two-price cotton program are in general agreement that H.R. 2000 is a good bill and are hopeful that it will be enacted into law.

Sincerely yours,

——— ———.

JANUARY 23, 1963.

Congressman BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR BASIL: We received in the mail today from your office, information on the Cooley cotton bill, and I certainly would like to see some sort of legislation enacted that will equalize the domestic price of cotton as against the foreign cotton cost.

This import business is certainly having its impression on the textile trade in the United States, and it is certainly up to you fellows in the Congress to help do something about this.

We know you will put forth every effort to bring about a more comparable bases on the cost of cotton.

Sincerely,

——— ———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR SIR: There is no question but what something needs to be done to relieve the domestic textile industry of the burden imposed by the present two-price cotton program. Possibly Congressman COOLEY'S bill H.R. 2000 is a step in the right direction but certainly will not solve the problem. We are presently supporting the cotton producers with a fictitious price. How long could we support an entire industry on this same basis? Cotton subsidies need to be done away with so that our cotton can compete in the world market. I realize this cannot be done in one fell swoop but feel that over a period of a few years this cotton subsidy could be entirely eliminated. In the meantime, the domestic cotton users could be subsidized in the same manner as the cotton producers.

Very truly yours,

——— ———.

JANUARY 25, 1963.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

MY DEAR MR. WHITENER: Your letter of January 21 enclosing copy of the cotton bill introduced by Representative HAROLD D. COOLEY, chairman of the House Committee on Agriculture, has been received and read with interest.

A reduction in the price of cotton to manufacturers in an amount equal to the price that foreign purchasers pay for American cotton will be of considerable help, but it must not be overlooked that a great many of the cotton mills carry large stocks of fin-

ished goods and equally large stocks of goods in process, on which they would undoubtedly sustain a very substantial loss.

Many manufacturers of cotton goods have been hurt so badly that they have introduced synthetic fibers into their mix, resulting in a satisfactory product at a lower cost. Even with a decrease of 8½ cents in the price of cotton, there is doubt if the use of synthetics will materially decrease.

The use of cotton in American mills is likely to continue to decline and the steps proposed in the Cooley bill have come much too late. Cotton has been a political football for so long, it has gotten into a very sorry state.

Yours very truly,

———

JANUARY 25, 1963.

HON. BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR BASIL: I have your letter of January 21 with regard to bill H.R. 2000 introduced by Congressman HAROLD D. COOLEY with regard to the present inequity existing in the two price cotton program.

Immediately upon hearing of this bill, I wired Congressman COOLEY as follows:

"My associates and myself are very much pleased and gratified by the introduction of your bill H.R. 2000. We are particularly pleased that a Congresman from our State has taken this initiative. I am sure that all of our employees both here in Gaston County and in your district of Davidson County are proud of the action you have taken."

I am well aware of the efforts you had made in the past on this matter and I am quite sure that the domestic textile industry, particularly those operations within the confines of our district, are expressing their gratitude to you and to others who know our predicament for speedy enactment of this bill which will be a tremendous boost for us all.

With best regards.

Sincerely,

——— ———.

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JANUARY 24, 1963.

HON. BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: With regard to your letter concerning the "two price" cotton system. Certainly, I favor Representative COOLEY'S proposal over the system which now exists which I believe anyone would have to admit is absolutely unfair to this country's textile industry. I suppose I must admit I would rather have two wrongs rather than one when I believe the last wrong will benefit myself. What I really don't understand is why we have a subsidy to the cotton farmer anyway. Why create two subsidies when the problem could be solved by having no subsidies? I believe the total expense for both these subsidies is estimated around $600,000 to $700,000 per year. Is it easier for our representatives to legislate this money away rather than to drop these farm subsidies at the risk of losing some votes? Here, I believe is the crux of the matter. However, I doubt if there will be many Congressmen with the courage to stand up and seek this solution which seems to me to be the logical, if not the political, termination to the problem. I hope you will be one of the few.

Regards,

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JANUARY 23, 1963.

HON. BASIL L. WHITENER,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. WHITENER: We would like to have your support of bill H.R. 2000, which was introduced by Hon. HAROLD D. COOLEY. If passed it will do away with the two-price system for cotton marketing.

This system was the most unfair, and un-American handicap any domestic industry has ever had to contend with since this country won its independence. It makes it tough for the all-cotton mills to compete with rayon. It makes it practically impossible to compete with the foreign mills that get their cotton 8½ cents per pound less than ours. The foreign mills labor cost is considerably more than 8½ cents per pound less than ours. The only thing that keeps us in business is the quota system.

The two-price system should be eliminated and quotas fixed where they are.

Yours sincerely,

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JANUARY 25, 1963.

Congressman BASIL L. WHITENER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: In reply to your letter pertaining to H.R. 2000 introduced by Congressman HAROLD D. COOLEY, I would like to tell you how I have been confronted with a problem also along the same lines.

We at Carolina Mills, plant No. 4, in Newton, N.C., have a commission finishing plant for cotton tubular knot goods and process for many customers in the Eastern States. Each knitter has a ticket on each roll of cloth and on this ticket they give the name of the yarn mill which the yarn comes from. The reason for this is that all yarns will not dye or bleach the same, and we keep them separate in batches. My employees read these tickets and not knowing too much about geography, but a lot about working and finishing cloth, were always asking, "Where is this Portugal mill or this mill in Spain or the Formosa plant and the Israel mill?" Not having time to go into this with each employee, we had a meeting of all employees and I explained it to them this way:

The mills were actually in foreign countries and that the reason our customers were buying yarn from them rather than from our U.S. mills was in my opinion just a slight mistake. I explained that at the present time these foreign mills were buying cotton 8½ cents on the pound cheaper than our mills from our country could buy cotton and they could sell yarn back to our customers cheaper than we could make yarn. I told them not to try to figure all this out because I felt it was just a temporary mistake by the men in Washington whom we elect to represent us and to make our laws and that these people were very busy. I told them that I really feel that they meant for the law to read 8½ cents more for foreign countries than for our mills but got the law worded wrong, as they did not have time to read very carefully what they voted on and being very busy did as well as could be expected. I assured my employees that very shortly one of the men in Washington would find this mistake in the wording of this law and would see that it was changed to read correctly. One employee asked how our mills could stay in business paying 8½ cents more for cotton than our competitors in foreign countries and I explained that this was quite a problem to pay our wages and taxes and still compete, but not to get the wrong opinion of our men in Washington because they are fitted for their jobs just as our employees and that they are not too good on figuring but very good on talking and that is why they are sent to represent us and make our laws. The people who are good at figuring had to stay home and try to keep the textile plants running so that our people could have jobs to buy food and clothing and pay taxes. In this way everyone could get along better—the taxes would help pay the men that make the laws. I explained that you could tell the difference between running a government and a textile plant by the way things come out. When the Government needs money they raise taxes and yet every year they spend more money than they take in. In a textile business you can't spend more money than you get because if you do the company will go broke and no one will have a job—that is why they have to have a different-type man in the Government than you do in running textile plants. Things just don't come out the same way and one man would not understand how to run the other job and it would cause an awful mess.

Getting back to the matter of cotton prices, when the wording mistake in the present law is changed and the foreign mills begin having to pay 8½ cents more for cotton than our mills, this would help the world situation. The people in the foreign countries will be so busy trying to figure out how to make yarn as cheap as our mills out of cotton costing 8½ cents more per pound than it cost our mills. Now while they are doing this they will not have the time to make airplanes, bombs, and guns and by the time they find a way to make yarn cheaper than us from higher priced cotton, we could have enough guns ourselves to shoot them all.

Now, all you men in Washington can do your jobs and not worry about votes because after I finished explaining all of this to my people you will get all our votes from now on. It is really hard for me to see how some people get as mixed up as some of my employees about so simple a thing as the price of cotton and where yarn comes from.

Seriously, Congressman WHITENER, I and my people would like to commend Congressman COOLEY and yourself and all your associates who understand the problems of the textile people and who are making an earnest effort to eliminate the burden placed on our industry by the two-price cotton setup.

Thank you and good luck in your efforts.

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HON. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR SIR: I appreciate your letter of January 21 concerning the inequity existing in the present two-price cotton program.

This is indeed a very serious problem that confronts the textile industry, but I am not sure that making payments, in cash or in kind, to persons other than the producers of such cotton, is the answer. It has been proven over and over that subsidies do not solve problems, but merely create more. Why doesn't the Government just lower the price of cotton 8½ cents per pound to all purchasers?

Very truly yours,

——— ———.

———

HON. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: I have your letter of January 21, along with Congressman HAROLD COOLEY'S cotton bill, covered by H.R. 2000.

While I feel very strongly that the two-price cotton program needs to be eliminated, I am not familiar enough with all of the ramifications involved to know just how this should be accomplished. According to Congressman COOLEY'S bill, the Commodity Credit Corporation is to equalize the cotton price differential by making payments of a subsidy to persons other than the producers of the cotton. I have reached the point of feeling that Government subsidies to any segments of our economy is wrong, and for this reason, I would hate to see the cotton price differential equalized by subsidy payments, and certainly if the subsidy was to be paid to the manufacturer.

As mentioned above, I do not know what to suggest, and since the details of just how the Commodity Credit Corporation would

handle the matter have not been specified, I do not know just what the full effect of this bill would be. I do trust that the existing inequity involved can be eliminated in some way.

With kindest personal regards, I am,

Sincerely yours,

——— ———.

JANUARY 25, 1963.

Hon. BASIL L. WHITENER,
Member of Congress,
Washington, D.C.

DEAR MR. WHITENER: I very much appreciate your letter of January 21, 1963, regarding the bill introduced by Congressman HAROLD D. COOLEY to eliminate the two-price cotton program now in effect in this country.

I very definitely feel that something should be done to change this situation so that the American manufacturer can purchase cotton on the same basis as foreign purchasers.

As for Congressman COOLEY's bill, I would prefer to leave it to your good judgment as to whether this is the best bill that might be had. If you should decide that this is the best bill that could be had I would like to see you support it. On the other hand, if a better bill is offered I would certainly suggest your supporting it.

I trust this rather inconclusive opinion will be of some help to you.

Yours very truly,

——— ———.

JANUARY 26, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: Thank you very much for your letter of January 21 enclosing a copy of the bill introduced by Congressman COOLEY to reduce the price of cotton to domestic spinners.

I feel it is most important that the domestic spinners be given some price relief so they can compete with the foreign yarns pouring into this country so freely. This bill will serve the purpose of equalizing the price of cotton and is most commendable. We would like to see its enactment.

Yours very truly,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: Thank you for your letter of January 21, enclosing a copy of Mr. COOLEY's bill and asking for my comments. These I shall give you, not officially as representing Shuford Mills, but personally, as a citizen.

1. I am in favor of Mr. COOLEY's bill, but only because it prevents discrimination against domestic users of cotton.

2. It is purely a temporary and very expensive expedient because it obviously is intended to prolong a policy of "high priced" cotton to protect the "little farmer." If there really are many of these left, surely the sensible thing is to protect only them and let cotton find a more realistic and competitive price level.

3. Although good, as a temporary expedient, the proposed bill, plus the high export and domestic subsidies, and the high loan for cotton will cost the Federal Government tremendous sums. If this bill could be geared to lower loan prices and lower export and domestic subsidies, starting now and possibly graduated downward year by year, we would really have begun a sensible solution. Cotton is losing ground to synthetics at a greatly accelerated rate and the "end is not yet." Surely in the long run cotton must stand on its merits. Where will the "little farmer" be then?

4. I believe we simply must cut Government expenditures and that the Congress is the only hope of our country and of our children and grandchildren. I believe we are about to start racing toward socialism, pure and simple, unless the awful cost of Government is reduced. Taxes are too high, yes, but Government spending is the cause. The end result is inflation and we shall all become "wards of the state," losing our freedom in the process. No wonder Russia has "quieted down"—she sees so clearly what we are doing to ourselves.

Sincerely yours,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR BASIL: In reply to your letter of January 21, I was pleased to know of your interest in Congressman HAROLD D. COOLEY's bill H.R. 2000, dealing with the two-price cotton system. As you know, we in the textile business have been straddled with this two-price cotton situation for some time, and we are very anxious to get some relief from it. If I had my preference, however, I would prefer lower price supports and larger acreage; but it seems to me at this time that this is out of the question, and I believe that Congressman COOLEY's bill will do a great deal toward solving the two-price cotton system. Therefore I would urge you to support this bill and do everything you can to get it passed as quickly as possible.

Sincerely,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
U.S. House of Representatives,
Washington, D.C.

DEAR BASIL: I am not very much in favor of Representative COOLEY's cotton bill, although it looks like about the best we can hope for. If it does pass I hope there will be provision made for allowance on cotton owned already by mills, and on stock in process.

It would seem best to me to cut out the foreign subsidy rather than double it for the taxpayers.

From our own personal viewpoint, we are mostly on rayon; and are fearful that if the cotton price per pound goes way down we will lose some of our synthetic business.

I am appalled at President Kennedy's budget request; although I haven't had a chance to study it, I am sure we could do with a few less billion, as is the case every year.

I would like to see a tax cut, if we have a budget cut.

With best regards, I am,

Yours very truly,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR BASIL: In regards to Congressman COOLEY's H.R. 2000, I think that it is better than nothing in that it spreads the cost of the cotton program to all taxpayers instead of leaving the burden on the cotton textile manufacturers. I do think that as a long-run proposition it would be much better for the Government to get out of the cotton growing and cotton-not-growing business and let the price seek world market levels. That of course, is tied in with the entire farm program and not likely to happen.

For the above reason, I believe that the Cooley bill would remove the inequities insofar as the American textile industry is concerned, and should be passed, if possible, and the other problems be tackled in due time.

Had a cup of coffee with Lester a few minutes ago and we are fairly well in agreement in regards to our thoughts on the above matter.

We appreciate your letter. Come to see us when you are in town.

Sincerely,

——— ———.

JANUARY 25, 1963.

Congressman BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: In reference to your letter of January 21, 1963, regarding H.R. 2000, a bill introduced by Congressman HAROLD D. COOLEY.

It is my conviction that if legislation is not passed promptly to equalize the price of cotton for American mills with that of foreign mills we will see unemployment rise sharply in textiles.

The above bill is a must if we are to compete in the cotton yarn market.

You have been supporting the idea of abolishing the two-price cotton system for which the industry is grateful. I concur that this is the type legislation we need for protection from cheaper foreign suppliers.

Thanks for your effort and with best regards, I am,

Sincerely,

——— ———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
Member of Congress,
Washington, D.C.

DEAR BASIL: Your letter of the 21st and the copy of the statement of Congressman HAROLD D. COOLEY with H.R. 2000 is appreciated. I know and appreciate the fact that you want to and have been doing everything that you can to improve the cotton spinning conditions. Some of the larger textile organizations may exist profitably under present conditions operating on other fibers and even much of the low priced imported cotton yarns but there is just no hope for the small carded yarn mills such as this one unless there is a quick change made.

Under the circumstances it would be best to push this bill through quickly without amendments. However there is much to be desired that this does not adjust.

1. The support prices on cotton should be lowered for the crop of 1963 so that this program shall cost less.

2. Gradually the production and marketing of American cotton should be made free so that it may sell at the world price. Producers should be given their assistance in other ways connected with land conservation and nonuse in crops in overproduction commodities.

3. Cotton needs to be available at low competitive prices with competitive man-made fibers. The high support prices have already overencouraged the production of these fibers and their use permanently losing much use of cotton. Only with low priced cotton can spinning mills such as ours continue operating and giving employment.

Cordially yours,

——— ———.

JANUARY 24, 1963.

Mr. BASIL WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: I have your letter of January 21 pertaining to the two-price cotton program, COOLEY's proposed bill.

We here at Cleveland Mills are very interested in eliminating this discrimination.

In this equalizing process to whom would the rebate be paid?

Sincerely,

——— ———.

JANUARY 24, 1963.

Hon. BASIL L. WHITENER,
House Office Building,
Washington, D.C.

DEAR BASIL: Thank you for your letter of the 21st enclosing copy of Representative HAROLD D. COOLEY'S remarks and the text of the bill which he offered in the House, both of which I have read very carefully.

I don't know what is going to be done in the matter of equalizing the cotton costs of the domestic textile industry with that of our foreign competitors, but I want to say most emphatically that some measure should be provided to put the domestic industry on an equal basis with the foreign manufacturer.

I don't think this should be done by a subsidy or a handout of any kind from our Government, but, in my humble opinion, an equalization fee in the form of a tariff should be placed on foreign goods. If this were done, it would relieve our taxpayers and our farmers of shouldering the burden.

The foreign competitor, who benefits, should pay the bill, as, heaven knows, this country is now doing enough for foreign nations. Our foreign competitors already have a big advantage in labor costs, and are today shipping in, at present tariff rates, an ever-increasing supply of cotton goods, which are sold at 10 to 20 percent under our cost of production.

While I can only speak for myself, I am satisfied that other producers of cotton goods would not be in favor of a subsidy if the situation can be remedied by a tariff. The textile industry only wants fair treatment in the purchase of its raw materials, and must have it if the industry is to survive.

With highest respects, I am,

Sincerely,

——— ———.

JANUARY 23, 1963.

Hon. BASIL L. WHITENER,
Congress of the United States,
Washington, D.C.

DEAR BASIL: In reply to the Cooley cotton bill. I do not know if this bill is the answer to two-price cotton. If it is, do all you can to see it passed. If it is not, try to get the proper bill through.

The textile industry must have some relief now.

For the past 15 years we have run full 5 days, three shifts, with only a few days curtailing in 1954. We have been running 3 and 4 days for the past 4 months because of foreign imports and manmade fibers.

If we had cheaper cotton I think we would be competitive and the cotton business would be good.

The coarse counts have not been hit as hard as the fine counts.

The ATMI and other organizations have the best answers and I know you will work closely with them to see that proper legislations are passed.

It is always good to hear from you.

Yours very truly,

——— ———.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. DOWNING. I want to compliment the gentleman on an outstanding statement. I think it shows to the Congress the economic inequity which is now present. I would like to say this also, that perhaps it is time for the Congress to take a good hard look at this whole international trade situation, for recently the Common Market countries imposed a prohibitive import tax on poultry. This has resulted in the cutting off completely of exports of poultry to those countries.

Again I want to compliment the gentleman and I certainly shall support his legislation.

Mr. WHITENER. I thank the gentleman from Virginia. I certainly did not, in what I said today, mean to imply that the only beleaguered industry in America is the textile industry. There are many other industries, including the poultry industry, which are experiencing unfair and sometimes disastrous competition from these low-wage foreign imports that are coming in, as well as from trade barriers which are being erected against American products.

I thank the gentleman from Virginia for his remarks.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. The gentleman from North Carolina [Mr. WHITENER] has made some very interesting observations concerning this very vital problem. From my information, I understand that the textile industry is the second largest employer of workers in America; is that right?

Mr. WHITENER. That is my information, yes.

Mr. BROYHILL of North Carolina. We have been told today, and we have been told on many previous occasions, about the conflicting policies of our Government which work to the detriment of the textile industry, which is the second largest employer of workers in America.

I have an observation to make. In looking at this situation we have to face the facts. We are not talking about a commodity, we are not talking about cotton, we are not talking about factory buildings. In the end result we are talking about these workers and the workers' families and the fact that these conflicting policies will and are having a detrimental effect on these people. I feel, without a doubt, that this great industry is facing in the future the danger of the loss of domestic markets and increasing recession.

What happens, then, if this has a carryover effect into other industries? Hundreds of other communities and their industries could be vitally affected. The gentleman from Virginia and gentlemen from other States have mentioned similar problems in industries in their particular areas. These same conflicting problems seem to be in existence in many areas.

Mr. WHITENER. May I say that some 4 years ago I had a study made of the impact of the textile industry upon other industries. As I remember now—I cannot be positive about the accuracy of my memory—the textile industry is the biggest industrial petroleum customer in America; the textile industry is a tremendous customer of the chemical industry, the rubber industry, the steel industry, and others. This is not just a little narrow segment of our economy that is involved. As the gentleman has so well pointed out, it cuts across the board practically to all industrial production in the country, because this industry we are talking about, the textile industry, is a great customer of these other industries.

Mr. BROYHILL of North Carolina. As the gentleman from North Carolina has so well pointed out, this does cut across the entire economic picture of our country. The problem is interrelated with that of other industry and thousands of other communities in the country, thousands of communities in every congressional district represented here in this great House of Representatives.

I also represent a district which has many textile plants. We have many mills in the district. I have talked to thousands of people who work for and manage these great mills, and I feel they are not asking for any special favor, they just want a full and fair hearing. That is what they are asking for and what I certainly hope—that we see that fair legislation is enacted.

Mr. WHITENER. I am sure the gentleman will agree with me, from his knowledge of the textile plants in our section of North Carolina—and I am sure this is true all over the Nation—that since World War II there has been a very dramatic modernization program carried on in the industry. It is the only industry that today is producing 60 percent more per man-hour than it was producing at the end of World War II. It is the only industry I know of in America that is producing a product which is selling for less today than it was sold for at the end of World War II. Yet these problems, as I have tried to point out earlier in my remarks, in great measure were created for the industry right here in Washington.

Mr. BROYHILL of North Carolina. That is true, and I agree with the gentleman. It is unfortunate this had to come to the Congress for legislation when it could have been settled by a ruling of the Tariff Commission to add an equalization fee on imports. It is unfortunate that was not done at that time.

Mr. WHITENER. I thank the gentleman from North Carolina for joining with us today in this discussion. I may say to him and to the gentleman from Virginia [Mr. DOWNING], I hope that we and all of our colleagues here can work together in bringing about a partial solution at least to these many problems that have been created and which do exist in the field of foreign trade.

Mr. Speaker, if we do that, we will have certainly rendered a service which will be a blessing to the Americans of today and the Americans of the future.

THE UKRAINE AND YOU

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, a few days ago Members of Congress took part in an observance of the 45th anniversary of Ukrainian National Independence. On Sunday, January 27, 1963, a very illuminating article appeared in the Washington Star, written by Dr. Frederick Brown Harris, Chaplain of the U.S.

Senate, in his interesting column, Spires of the Spirit.

The title of Dr. Harris' article is—"The Ukraine and You." It reflects in an unusual manner, the spirit which has moved the Ukrainian people over the centuries and moves them today in an unending struggle to regain their national independence. I compliment Dr. Harris for his deep comprehension of one of the great issues of our time and commend his article to all who are interested in the future of freedom:

THE UKRAINE AND YOU

(By Dr. Frederick Brown Harris, chaplain of the U.S. Senate)

The independence of the Ukraine, now a non-Russian captive nation, was proclaimed on January 22, 1918. On the 45th anniversary of that light which failed until truth crushed to earth shall rise again, the cause of that dauntless people, yearning to breathe free, was lifted up to the God of justice in the prayer, offered by a representative of the Ukrainian Church, which opened the U.S. Senate. To the petitions there offered for fetters to be broken there echoed the fervent "amen" of over 2 million Americans of Ukrainian ancestry.

To a recently held congress of these fine citizens of this free land came felicitations from 33 State Governors, 40 U.S. Senators, and 140 Members of the House, where a vital bill for a permanent Captive Nations Committee is now pending. In this convention the voice of the Governor of New York was also heard as he cried out, "We protest with you against the Soviet persecution of millions for their Jewish faith. We deplore the Red oppression of the Ukrainian Catholic and Ukrainian Orthodox Churches. This convention is a sobering reminder to all the world that the cold war at many times and places is not cold at all—it cost the lives of men like Lev Rebet and Stepan Bandera, two Soviet-murdered Ukrainian underground leaders." To this council there was added a ringing salute from President Kennedy, declaring that the just aspirations and rights of all people to choose their own rulers "is and will remain a basic goal of U.S. world policy."

Now what is the truth regarding the Ukraine—a territory a little larger than Texas? This fair land, with its face always toward the West, richly endowed with natural resources, with a favorable climate conducive to the raising of various crops, has long been called the granary of Europe. It is now the breadbasket and the sugar bowl of the U.S.S.R. But the salient historic fact is that the Ukrainian people are not Russian and their country has never belonged to Russia except by physical force. A thousand years ago their culture and commerce were at high levels but always these fiercely independent-minded people had to fight predatory neighbors. In 1709 Czar Peter I, by his military might, annexed the Ukraine as a conquered province. The long years that followed are valiant with the struggle to gain freedom. When at long last the 1917 Bolshevik Revolution pulverized the sovereignty of the czar, a new day of glorious emancipation seemed to gild the long-darkened sky. In the ancient city of Kiev, as bells of freedom rang out, the independent national republic was proclaimed.

But, that proved to be but a fleeting dream. The rapacious arms of Soviet aggression, using their familiar upside-down jargon, called the Kremlin manipulated regime they imposed "The Ukraine Soviet Socialist Republic." It was the anniversary of the Ukrainian vow to be free which was observed in the Senate of the United States. The two score years plus five which have passed since that January 22 are written in crimson letters of heartless cruelty. The blood of a martyred host cries from the ravaged ground. It is a record of imposed famine, genocide, deportation, torture, and liquidation. In spite of these fiery trials the population of the Ukraine is presently over 40 million.

Religious leaders have suffered persecution matching that of the early church. Thousands of Christian churches and chapels have been desecrated. Over 200 literary Ukrainian men and women have paid with their lives because they scorned to dip their pen in the venom of the Communist line.

To this day a saintly Archbishop, Metropolitan Slipy, languishes in barren, cold Siberian dungeons sentenced to degrading servitude. He has spent 17 of his 71 years in that blasphemous captivity because he has refused to bow the knee to a pagan Baal in the image of a subservient church hierarchy in his homeland.

The voice of a Ukrainian poet of a hundred years ago, who died during Lincoln's first year in the White House, yet speaketh. His name, Taras Shevchenko. His message is about to be amplified to all Americans, as well as loyal Ukrainians, and we might add, to the Russians too. To honor him the American Congress has authorized the erection of a statue which will be a perpetual prayer in stone. That sculptured form is now being fashioned and will be erected near the Capitol in Washington. Listen to the prophetic song of Shevchenko ringing clear across a hundred years:

> "It makes a great difference to me
> That evil folk and wicked men
> Attack our Ukraine once so free
> And rob and plunder it at will.
> That makes a great difference to me."

In 1963 that is still the sad story of the Ukraine—and, it makes a great difference to this sweet land of liberty.

In the pathos of Shevchenko's lines is mirrored the plight of all the other captive nations, including Latvia, Lithuania, Hungary, Rumania—and now Cuba—and all the rest, held in the grip of Soviet colonialism. That makes a difference, a great difference, to the United States of America.

There is a silence that is not golden but craven concerning captive nations. In a world that cannot permanently remain half slave and half free, calloused indifference as the policy of any so-called democracy not only dooms the captives now in foreign fetters but also passes the sentence of ultimate death upon its own freedom. Yes, it makes a great difference to you and the Ukraine—and to the whole world of tomorrow.

THE LATE HONORABLE JOHN J. BELL

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Texas [Mr. YOUNG] is recognized for 60 minutes.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. YOUNG. Mr. Speaker, it is my sad responsibility to advise you and the House of Representatives officially of the death of a distinguished former Member, my predecessor, the Honorable John J. Bell, of Cuero, of the 14th Congressional District of Texas. I am informed Mr. Bell suffered a heart attack at his home in Cuero Thursday night, last, from which he did not recover. Funeral services were in St. Michael's Catholic Church in Cuero last Saturday morning and burial was at Cuero.

Mr. Bell represented the 14th Congressional District of Texas in the 84th Congress, following an exceptionally distinguished career in the Texas State Legislature—as a State senator—1947–54—and prior to that as a Member of the House of Representatives—1937–47. His brillance in leadership and accomplishment in the halls of State government was recognized throughout the length and breadth of our Lone Star State. The constructive, progressive State programs that bore his handiwork and seal of approval seemed a fitting and natural consequence of the creative talents theretofore displayed brilliantly by him in the academic atmosphere of the University of Texas. The honored positions to which he attained at the university and the school of law were fitting compliment to the pioneer Texas parentage of which he was born May 15, 1910, in Cuero, De Witt County, Tex. Proud indeed must have been John Y. and Gertrude Grunder Bell of their son, John, whose advancement from infancy through primary education in the schools of Cuero was to lead to a procession of progress which would include the presidency of the student body of the University of Texas, the crowning academic honor of being Phi Beta Kappa and achieving grades of the highest in the school of law; and the pattern of success having been established, it was natural that he would assume a position of leadership in our State from which flow a rich legacy of projects and programs of inestimable value to countless thousands of Texans. His selection for membership in this great body was a natural reaction and formality on the part of the constituency of our 14th Congressional District.

He married Mable Claire Breeden of Cuero December 29, 1948, and his deep devotion to this beautiful and charming young lady was a source of edification which extended far beyond the considerable circle of their many friends.

The Honorable John Bell was a member of a prominent south Texas family. The city of Yorktown, Tex., was named for Capt. John York, father of Bell's great grandmother. James Madison Bell, his great-grandfather, fought with the Texas Army in the battle of San Jacinto in 1836.

My personal acquaintance with John Bell, Mr. Speaker, extended over a substantial period of years. I knew him as advocate as well as adversary—positions which afforded particularly diversified opportunities of balanced appraisal. I always found him to be a gentleman of rare talents who displayed a decided dedication to the established rules of the game. And although occasion found us in sharp opposition, it in no way diminished my personal regard for John Bell, nor detracted from my recognition of his great ability as a legislator. This I want to set down in permanent record.

The vicissitudes of public life spare few, Mr. Speaker, and in this John Bell

was not excepted. But there are few who can, in the span of the 53 years allotted John Bell, point to a more impressive record of accomplishment in public life, where, in a system of balancing the pluses and minuses which mark us all, the accounting recapitulates a life of dedicated public service in which the minuses, in retrospect, are lost in insignificance when weighed in the light of solid achievement.

John Bell's family and friends will long mourn his loss, but undoubtedly will find solace in the durable tenure his mark will find in the constructive legacy shaped by his public-spirited hand.

Mr. THORNBERRY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Texas.

Mr. THORNBERRY. Mr. Speaker, when the gentleman from Texas, the Honorable JOHN YOUNG, called me last week and told me of the passing of John Bell I was greatly saddened. I had known John Bell since the days we were students at the University of Texas together, and as the gentleman from Texas has stated, he had a brilliant career on the campus of the University of Texas. He was elected president of the student body. He was elected to Phi Beta Kappa and then graduated from law school of the University of Texas with high grades.

He and I were classmates in the university law school and received our law degrees and were admitted to the State bar of Texas at the same time.

Mr. Speaker, the same year in which we graduated from the law school at the University of Texas, both of us were candidates for and were elected to the Texas House of Representatives.

In one term we were deskmates. Later on, of course, as the gentleman from Texas has stated, John Bell was elected to the Congress, the 84th Congress, where we again served together. He and I were close personal friends over those years. I feel a personal loss in his passing.

Mrs. Thornberry joins me in extending deepest sympathy to his lovely wife, Mabel Claire.

Mr. Speaker, I thank the gentleman.

Mr. YOUNG. Mr. Speaker, I thank the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I join with the gentleman in mourning the passing of our distinguished colleague, John Bell. America has lost a great citizen, and Texas has lost an illustrious son.

Early in life John Bell seemed marked for leadership. As a scholar and a prominent campus figure at the University of Texas, John Bell early made his mark.

When I went to the Texas Legislature immediately following the war in 1947 John Bell, though a young man, was already a leader, a man among men. He was chairman of the powerful appropriations committee of the Texas House of Representatives. Major legislation already had borne the stamp of his authorship. Shortly thereafter he was elected a member of the Senate of the State of Texas, and it was perhaps there that he made his most brilliant and most lasting mark.

In every company in which fate had thrown him, John Bell seemed to stand out as a towering figure of strength, of wisdom, and of ability.

In 1955 John Bell and I came to Congress together. He was a valued member of the Texas delegation. It was here that I came to know John Bell and his charming wife best and to appreciate their many outstanding qualities of friendship, of understanding, and the capacity of their great hearts.

Mr. Speaker, words seem such fragile instruments to convey to his loved ones the sorrow that we feel at his passing. Perhaps it will serve to comfort his devoted wife, Mabel Claire, to know that all of us share her suffering and share her sorrow.

John Bell left footprints in the sands of time. I know it is great comfort and solace to his wife to know of the reward in eternity to which he now goes, as well as the emptiness in the hearts of many of us who served with him and came to know him so well and to respect him.

Mr. YOUNG. Mr. Speaker, I thank the gentleman.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I rise to add my voice by way of a small tribute to the memory of John Bell. John Bell preceded me in the Texas State Senate and, of course, he preceded me here in the Congress. John Bell was a descendant of an illustrious Texas pioneer family whose efforts helped in every single line of activity—social, cultural, and economic—in the very area that I represent and in which I was born, Bexar County. The Bell name is associated with the history and development of Bexar County. He represented the senatorial district and the congressional district, portions of which are adjacent to and surround Bexar County. As a result those of us living in Bexar County were aware of his contributions, his activities and his efforts exerted both on the State as well as the congressional legislative level.

He contributed, for example, in the State Senate, some pieces of legislation that were intricate, difficult. He was a member of the most important and powerful committees of the Texas State Senate. When I emerged into this body some Members of the Senate in leadership positions still recalled vividly the contributions that John Bell had made.

So it is with a sincere feeling of sorrow and regret that I learn of the passing of John Bell at such a premature age. He was comparatively young at the time of his death.

I for one wish to thank our colleague from Texas [Mr. YOUNG] for having made the necessary arrangements to set aside this time for us to speak in memory of John Bell.

Mr. YOUNG. I thank the gentleman.

Mr. KILGORE. Mr. Speaker, death, whenever it comes, is a shock to the living. The death of John J. Bell on Friday—January 25, 1963—was, to me, a profound shock. He died suddenly, seemingly in the midst of health, due to a heart attack. He died while in the practice of his chosen profession of law, his life constantly involved with the lives of his fellow men. He was in the prime of his career with his 53d birthday still months away.

Words and platitudes are no comfort to those who loved him. They cannot ease the pain of his gallant wife, Mabel Claire.

As for me, the greatest—the only—tribute I can pay this man and his memory is to say exactly what I feel about him.

We came from Texas together as newly elected Members of the 84th Congress in 1955. But prior to that time we had served in the Texas Legislature.

It was one of the grand gestures of Providence that we should be near to each other. John Bell's piercing mind, tempered with the gay laughter of his gentle humor gave me understanding and pleasure at one and the same time. I shall miss him.

I have lost a friend.

Heaven has gained a friendly soul.

Mr. POOL. Mr. Speaker, each of us who knew John J. Bell had for him a sincere affection and respect. Each of us, I suppose, knew him in a different way. In my 32 years of acquaintanceship, I came to know him as a dedicated man—always willing to share with me his time and help me in any way he could. As a fraternity brother, as a fellow legislator in Texas and as a Congressman, he was always willing to help me and the people of my great State. I found him a vigorous and successful advocate of those things in which he believed. Each of us will remember John Bell for many things, but I will remember him more as my friend. His loss to the State and the Nation is great. It is great to each of us who shared his friendship. My family joins in extending love and deepest sympathy to Mrs. Bell in her great sorrow.

Mr. DOWDY. Mr. Speaker, when we learned of the untimely passing of our former colleague, the Honorable John Bell, Mrs. Dowdy and I were shocked and deeply grieved. The death of this great Texan will be felt severely by our State.

Mr. Bell was an exemplary person, always accepted in any group, whether among those of high or low station in life; always kindly and considerate, he was courteous, interested and attentive to the problems of others.

As a Texan and a friend of John Bell, I am indeed aware of the great loss to our State. His first love was the magnificent State of Texas, and service to our people his foremost thought. Mrs. Dowdy joins me in extending our heartfelt sympathy to his dear wife, Mabel Claire, in this hour of sorrow and great loss.

Mr. FISHER. Mr. Speaker, I fully share the admiration that has been expressed concerning the late and lamented John Bell, of Texas. He was elected to this body following a most distinguished career in Government and private business. In addition, he served as a private in World War II, and there gave a very good account of himself.

During the time John Bell served here he made many friends. Every Member seemed to respect him, and all admired his courage and his statesmanship. He always put the welfare of the country ahead of all other considerations, and never faltered in his sincere effort to serve his district and his country well. By doing so he soon earned and commanded the admiration and respect of the membership.

John Bell was a man of high moral principle. He was honest and he was capable. It is most unfortunate that such men should be stricken down so early in life.

To his charming and devoted wife, and to all of his family, I extend my deepest sympathy in their bereavement.

Mr. MAHON. Mr. Speaker, I have learned with much regret of the passing of former Representative John J. Bell, of Cuero, Tex. It was an honor and privilege to serve in Congress with Mr. Bell and to become acquainted with him and his lovely wife.

Mr. Bell did not serve in Congress for a long period, but during his term of office he undertook to serve well the people of his district. I join my colleagues in mourning the passing of John Bell and in expressing sympathy to his wife and family.

Mr. POAGE. Mr. Speaker, It was a great shock to know of the passing of our former colleague, Hon. John Bell of Cuero last Friday. Earlier that afternoon I had been discussing the outstanding men with whom I had served and had listed John Bell among those who were still active.

It was my privilege to serve with Mr. Bell and to include him and Mrs. Bell among our friends. He represented a large and growing district. He devoted himself to the interests of his district and evidenced real ability in trying to reconcile the inevitable conflicts which must arise in an area undergoing the rapid changes which were taking place in the 14th district of Texas. His colleagues appreciated his attractive personality and his sound judgment.

After the termination of his service here he devoted himself almost exclusively to his business and profession, but he did maintain contacts with his friends. I am happy to have been one of those who corresponded, even though very infrequently, with Mr. Bell, and I join with a host of friends and admirers in a feeling that we have all suffered a loss in his passing. I want to join in extending sympathy to his wife and family.

Mr. THOMPSON of Texas. Mr. Speaker, news of the untimely and sudden passing of our former colleague, the Honorable John J. Bell, of Cuero, Tex., was particularly distressing to me. The day before, I had written to him in response to a request of his, a request not for anything in his own behalf but something to help a constituent of mine who was particularly well known to him.

John, even after he left Congress, continued to be a natural-born public servant and one who was always ready to be of assistance to anyone who needed it.

I was especially close to him because when he was a State senator, a portion of the Ninth Congressional District was also a part of his senatorial responsibility. We worked together on many projects in complete harmony and mutual regard. Our friendly relationship continued after he returned to private practice of law, and I relied on him frequently for advice.

I shall miss him, and I know how much more his loss will be felt by his devoted wife, Mabel Claire. She and all the members of the Bell family have my deepest sympathy.

Mr. BURLESON. Mr. Speaker, the death of our former colleague, John Bell, brings with it a sadness which occurs with the passing of one with whom we had an association and for whom a strong friendship was developed.

John Bell was a real friend to those who wanted a friend. He was quiet and unassuming, but his influence was felt wherever he was.

I join with my other colleagues from Texas in expressions of sorrow and extend deep sympathy to his lovely wife, Mable Claire, who also made many friends while they were in Washington.

Mr. ROBERTS of Texas. Mr. Speaker, the passing of a former Member of the House, the Honorable John J. Bell, of Texas, has been a great loss not only to the State of Texas, but to the entire Nation.

John Bell was one of those rare men whose great ability led him to success in every field he entered. It was a great privilege for me to have been a fellow student with John in the University of Texas Law School. John Bell's brilliant career on the campus, both in student politics and scholastics, left little doubt as to his future success.

In the following years I watched his climb to the top in business and politics. In the Texas Legislature, in the Second World War, and ultimately in the Congress of the United States he served with honor and distinction.

That a man of John Bell's stature should pass on so early in life is a great misfortune. To his devoted wife and family, I extend my deepest and heartfelt sympathy.

Mr. CASEY. Mr. Speaker, I join with my colleagues from Texas in paying tribute to the late Honorable John J. Bell, a man who served his State and his Nation ably and well.

I knew John Bell when he served in the Texas Legislature, where I had the privilege to serve. I knew him personally and by the distinguished reputation he left as a Member of the House of Representatives and a member of the Texas Senate, prior to his service in this body.

John Bell's untimely death saddens me, as I know it does all his friends. At a time like this, words are of little consolation to the family of such a great man. But the thought that we share this deep loss with them, may perhaps help ease the burden of sorrow they carry.

My deepest sympathy goes to this great American's devoted wife, and to the people of Texas, who lost a valued and proven public servant.

THE MACHINATIONS OF THE WINSTON-SALEM JOURNAL AND ALLIED TAX-EXEMPT FOUNDATIONS

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, on January 6, 1963, I released to the press my report to the House Small Business Committee bearing the title "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy." A few days ago, on January 24, a Winston-Salem Journal story, concerning that report was inserted in the daily CONGRESSIONAL RECORD under the heading "Patman Report Disputed," page A234. The Journal's story not only constitutes a slanderous attack on me personally but it teems with outright falsehoods, misrepresentations, fiction, and deliberate distortions. For example, one column of figures in my report carries the heading "Total receipts including contributions, gifts, grants, and so forth received." Yet, the newspaper states that I presented those figures as "earnings" and "income" presumably from investments. This is a deliberate distortion since even a schoolboy could understand the headings on the tables. The exact language of the headings, as shown on schedule 1 of my report are: Gross sales or receipts from business activities; gross profit from business activities; interest received; dividends received; rents and royalties received; total gain—or loss—from sale of assets; other income; total gross income excluding contributions, gifts, grants, and so forth, received; total contributions, gifts, grants, and so forth, received; and total receipts including contributions, gifts, grants, and so forth, received.

Other statements of the Journal are equally as untrue. The newspaper states that, in the case of the Mary Reynolds Babcock Foundation, I had included, among the foundation's receipts, the appreciation in value of a $12 million gift over an 8-year period. This is totally false. No "appreciation in value" of gifts received appears in the tables showing this foundation's receipts or any other foundation's receipts.

In like manner, the Journal has misrepresented the Babcock Foundation's net income over a 4-year period. The newspaper's table on the Babcock Foundation shows net income of $721,509.16, $771,700.62, $872,782.99 and $1,264,179.55 for the years ending August 31, 1958, August 31, 1959, August 31, 1960, and August 31, 1961, respectively. Yet the foundation's tax returns show the following:

Year ending:	
Aug. 31, 1958:	
Gross income	$791,832.05
Expenses	41,605.39
Total	750,226.66
Aug. 31, 1959:	
Gross income	2,163,352.46
Expenses	58,598.43
Total	2,104,754.03

Year ending:	
Aug. 31, 1960:	
Gross income	$1,639,205.70
Expenses	92,142.85
Total	1,547,062.85
Aug. 31, 1961:	
Gross income	3,957,498.58
Expenses	104,207.22
Total	3,853,291.36

According to the method of accounting being promoted by the Winston-Salem Journal, a foundation's charitable disbursements should be publicized but the gifts, and so forth, received by the foundation—in the form of cash, securities, real estate, and so forth—should be well buried. The type of accounting being advanced by the newspaper is precisely the same type of public accounting that has been peddled by certain foundation press agents, who are paid fancy fees—out of public funds—to mislead our citizens. It has been common practice for many foundations to publicize their charitable disbursements while keeping their income and other receipts well hidden.

The Winston-Salem Journal also states that "as of August 31, 1961, the corpus of the Babcock Foundation was valued at $20,561,619." The newspaper, of course, omits the somewhat vital fact that the $20 million figure is based on the foundation's carrying value. A more accurate appraisal would be over $34 million, including $29,451,249 of securities at market value.

The following are among the disbursements shown on the Babcock Foundation's tax returns under the heading of expenses:

Year ending:	
Aug. 31, 1955: Annuity premium on secretary's life	$2,000.00
Aug. 31, 1956: Annuity premiums on secretary and bookkeeper	3,000.00
Aug. 31, 1957: Annuity premiums on secretary and bookkeeper	3,000.00
Aug. 31, 1958: Annuity premiums on secretary and bookkeeper	3,000.00
Aug. 31, 1959: Annuity premium on secretary	2.000.00
Aug. 31, 1960: Office, travel, annuity premium	3,295.47
Aug. 31, 1961: Office, travel, annuity premium and consultant fee	9,692.97

Since the tax-exempt foundation—like all others—is subsidized by the taxpayers, and assuming that the secretary referred to above is Mr. Leon L. Rice, Jr., I find it difficult to justify the use of public funds for payment of $2,000 annually on an annuity premium for Mr. Rice, a successful Winston-Salem attorney.

With respect to the John W. Hanes & Anna Hodgin Hanes Foundation, the newspaper states that "in the period 1947, when the Hanes Foundation was established, through 1960 the total earnings of the foundation came to $483,077.15." Yet, the foundation's tax returns show that for a 10-year period only—1951 through 1960—this foundation's total gross income was $642,866, or $159,789 more than the newspaper's figure for a 14-year period—1947 through 1960.

As for the Z. Smith Reynolds Foundation, the newspaper states that "when you add these long-range obligations to the actual grant you find, again, a picture of a foundation which is spending its income right up to the hilt and even a little bit more." This is, of course, another distortion since appropriations should not be tied-in with actual grants. Foundations, at times, cut appropriations as well as grants, and even receive refunds. Moreover, it is impossible to reconcile spending "income right up to the hilt and even a little bit more" with the fact that the tax returns of the Z. Smith Reynolds Foundation show an accumulation of income—meaning unspent income—of $2,939,548 on December 31, 1961, and $2,500,548 on December 31, 1960.

The law requires tax exempt foundations to make a report of their operations on a tax return known as form 990–A, parts of which are open to public inspection, or on form 1041–A—for certain trusts and estates—all of which is open to the public. Most of the returns submitted to us are form 990–A. This is composed of four pages. It gives information concerning income from investments, other receipts, disbursements, accumulations, and balance sheet items. Penalties for failure to furnish such information are also provided by law, including fines up to $10,000 and jail terms.

According to our records, the tax reporting of certain of the Winston-Salem foundations abounds which callous disregard of Treasury regulations. For example, the following are among the details required by Treasury regulations on form 990–A, with respect to assets sold: First, date of acquisition and manner of acquisition; second, gross sales price; and, third, cost or other basis—value at time of acquisition, if donated. Nevertheless—based on the tax returns submitted to us—the Mary R. Babcock Foundation omitted such details for the years ending August 31, 1957, and August 31, 1958; the John Wesley Hanes & Anna Hodgin Hanes Foundation omitted such details for the years 1951, 1952, 1955, 1956, 1957, 1958, 1959, and 1960; and the Z. Smith Reynolds Foundation failed to report such details for the years 1954, 1955, 1956, 1957, 1958, 1960, and 1961.

Instruction 3, page 4 of form 990–A requires that, where a foundation receives money or property from a donor in the amount of $100 or more, it must attach an itemized schedule showing the amount received and the name and address of the donor. From the tax returns submitted to us, it would appear that the John Wesley Hanes & Anna Hodgin Hanes Foundation considers itself exempt from this regulation. This foundation failed to provide such detail for the years 1951, 1952, 1953, 1958, 1959, and 1960.

As for the Zachary Smith Reynolds Trust, this foundation had not filed a proper tax return for at least 10 years. It had filed a form 1041 instead of a form 990–A, the former being closed to public inspection. The trust filed its first form 990–A in 1962. Yet Congress has, by law, provided for public inspection of foundation tax returns. The Mercantile-Safe Deposit & Trust Co. of Baltimore, the trustee, says its failure to file form 990–A was due to the fact that the Internal Revenue Service had never asked for it. In my view, since poor people who have not been fortunate enough to acquire an education are expected to know the law, the Internal Revenue Service should expect the same from a well paid bank trustee. During the year 1961, the trustee, the Mercantile-Safe Deposit & Trust Co., collected commissions from this trust amounting to $20,640.93.

Nor has the Internal Revenue Service performed a field audit on any one of the six Winston-Salem foundations for at least 10 years.

I have suggested to the Winston-Salem Journal that it give us a forthright, straight news story as to what penalties, if any, were imposed on the Zachary Smith Reynolds Trust for its failure to file form 990–A for at least 10 years, as well as what penalties, if any, were imposed on the other three foundations for their violations of Treasury regulations over a number of years. However, I shall not be surprised if the newspaper holds the view that such matters are only newsworthy when they involve the overburdened taxpayers who subsidize the foundations.

Another fabrication equally as deliberate as the others concocted by the Journal relates to a letter, dated November 10, 1961, which was written to me by the Honorable W. A. Johnson, Commissioner, Department of Revenue, State of North Carolina. The newspaper states that "On its face Johnson's letter appeared to be a strong endorsement of PATMAN's investigation and of the broadcast charges he levelled against North Carolina trusts and foundations." Yet, nowhere in my report is there any indication that Commissioner Johnson's letter endorsed the report. My report is dated December 31, 1962, more than one year after the date of his letter to me.

The following comment by me appears on pages 16 and 17 of the report:

> There is little adequate State or Federal regulation or supervision for the creation and administration of such organizations. In some States, foundations operate in secret since they do not register as nonprofit organizations under the provisions of applicable nonprofit codes. On the one hand, State authorities rely on the Internal Revenue Service to determine who is entitled to tax-exempt status. On the other hand, when an organization receives a nonprofit charter from the State, it carries considerable weight with the Internal Revenue Service. As a result, foundations are seldom properly scrutinized by any public authority.

The Winston-Salem Journal—unwittingly, I am sure—proves my point when it makes the following observation:

> As a matter of fact, this State has no effective control over tax-exempt foundations and trusts. When these operations are granted tax-exempt status by the Federal Government they automatically receive the same concession from the State.

The Journal then quotes Commissioner W. A. Johnson to the effect that—

these trusts and foundations make no reports to us [the State]. From year to year we have no way of knowing whether their tax-exempt status continues to be justified.

The machinations of the Winston-Salem Journal and the six closely allied foundations of that city illustrate the lengths to which certain foundations will go in order to maintain their tax privileged status. This is fraught with mischief to this country as an increasing number of our channels of communication come under the domination of vested interests.

In Winston-Salem, a web of interlock dominates the community. The inner group consists of the six tax-exempt foundations, their trustees or directors, the R. J. Reynolds Tobacco Co., with huge advertising appropriations to dispense, the Piedmont Publishing Co., and the Wachovia Bank & Trust Co. This does not necessarily mean that any single member of the inner group hold a 51-percent stock interest in the Piedmont Publishing Co. or in the Wachovia Bank & Trust Co. Such a degree of absolute domination is not necessary because cooperation is made possible through a community of interest and family representation in the institutions that hold the resources. Whenever the incentive for cooperation is at hand, the machinery is ready.

The Winston-Salem Journal is owned by the Piedmont Publishing Co. Mr. Gordon Gray, brother of Bowman Gray, chairman of R. J. Reynolds Tobacco Co., is president of the Piedmont Publishing Co. According to our records, the Mary Reynolds Babcock Foundation, the John W. & Anna Hodgin Hanes Foundation, and the W. N. Reynolds Trust have been stockholders of the Piedmont Publishing Co. for some years.

The Wachovia Bank & Trust Co., is the corporate trustee for the Hanes Foundation, the Kate B. Reynolds Charitable Trust, and the W. N. Reynolds Trust. Both the Hanes Foundation and Mr. Gordon Gray are among the 20 largest stockholders of the Wachovia Bank & Trust Co.

Five of the six Winston-Salem foundations have held as much as $76 million in stock of R. J. Reynolds Tobacco Co., as follows:

Foundation	Shares	Market value	Last valuation date submitted by foundation
Mary Reynolds Babcock Foundation	[1] 310,000	$14,337,500	Aug. 31, 1962
	[2] 3,000	264,000	Do.
J. W. & Anna H. Hanes Foundation	[1] 11,800	1,101,825	Dec. 31, 1960
Kate B. Reynolds Charitable Trust	[1] 220,918	17,645,825	Aug. 31, 1960
W. N. Reynolds Trust	[1] 250,000	27,187,500	Feb. 28, 1961
Zachary Smith Reynolds Trust	[1] 200,000	15,950,000	Dec. 29, 1961
Total		76,486,650	

[1] Common.
[2] 3.6 percent preferred.

Moreover, Messrs. John C. Whitaker, formerly chairman of the R. J. Reynolds Tobacco Co., and William R. Lybrook, vice president and secretary of the R. J. Reynolds Tobacco Co., have been trustees of the Kate B. Reynolds Charitable Trust and Z. Smith Reynolds Foundation respectively for a number of years.

The Mercantile-Safe Deposit Trust Co., of Baltimore, is the trustee of the Zachery Smith Reynolds Trust. Mr. Thomas B. Butler, president of the bank, is a director of the Mary Reynolds Babcock Foundation and a trustee of the Z. Smith Reynolds Foundation. The Babcock Foundation has been a stockholder in the bank for some years.

Shown below are first, the letter, dated January 22, 1963, which I addressed to Mr. James B. L. Rush, executive news editor of the Winston-Salem Journal; and, second, schedules 1, 3A, 5, and 6 of my report showing receipts, expenses, and other disbursements, assets, liabilities, net worth, and accumulation of income for the six Winston-Salem foundations during the period of 1951 through 1960. I have asked the Journal to print the North Carolina tables, my letter and the newspaper's answers to the questions raised therein, so that the readers may judge for themselves whether the Journal's news columns are influenced by the personal interests of its owners and allied vested interests. To date, the newspaper has merely acknowledged receipt of my letter.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 22, 1963.

Mr. JAMES B. L. RUSH,
Executive News Editor, Winston-Salem Journal, Winston-Salem, N.C.

DEAR MR. RUSH: Your newspaper's front page distortion of January 16, bearing the heading "Patman Report Disputed," is at hand, and I hasten to enclose the following items for your enlightenment:

1. Copy of the report to which your story refers. Tables showing the receipts of the North Carolina foundations appear on pages 31 and 32; tables showing the expenses and other disbursements of the North Carolina foundations appear on page 65; tables showing the assets of the North Carolina foundations appear on pages 102, 103, 104, and 105; tables showing the liabilities, net worth, and accumulation of income of the North Carolina foundations appear on pages 123 and 124.

2. Copy of tax return form 990–A.

The object of our study is to determine whether legislation is needed in order to provide effective supervisory controls over tax-exempt foundations and protect the public interest. This is obviously the opposite of your newspaper's interest.

In my experience, availability of information for study usually clears up any misunderstanding that may arise from a lack of facts or misrepresentation of the facts. Thus the public interest would be served if you will kindly place the following on your front page so that your readers may judge whether the Winston-Salem Journal merits the public's confidence: (1) The enclosed tables relating to North Carolina foundations, (2) the contents of this letter, and (3) your answers to the questions raised herein.

The foundations' tax returns are the source on the figures shown in the enclosed report. Such data was recorded by certified public accountants, and was tabulated by the General Accounting Office.

If you will have a look at the table showing receipts of the foundations, it may dawn on you that column 10 is composed of the figures in columns 1 through 7 plus 9. Column 10 is plainly identified as "Total receipts including contributions, gifts, grants, etc., received." Column 8 is the total of the figures in columns 1 through 7. Column 8 carries the heading "Total gross income excluding contributions, gifts, grants, etc., received."

A number of questions, facts, and observations come to mind with respect to your reporter's statements:

1. Did you or your reporter read the full text of the enclosed report, prior to January 16, 1963?

2. Which of your stockholders, directors, or officers are stockholders, directors, trustees, or officers of the following: (1) Wachovia Bank & Trust Co., (2) R. J. Reynolds Tobacco Co., (3) Reynolds & Co., (4) Mary Reynolds Babcock Foundation, (5) John Wesley Hanes & Anna Hodgin Hanes Foundation, (6) Kate B. Reynolds Charitable Trust, (7) Z. Smith Reynolds Foundation, (8) Zachary Smith Reynolds Trust, and (9) W. N. Reynolds Trust?

3. Which of the above-mentioned six foundations owns stock in the Piedmont Publishing Co. or the Wachovia Bank & Trust Co.? Please indicate the number of shares of each class of stock owned by each foundation, as well as each foundation's equity in the net assets of the Piedmont Publishing Co. and the Wachovia Bank & Trust Co.

4. The following are quotes from your reporter's story of January 16:

"And PATMAN reports are customarily so misleading they require a careful second look."

Question: Will you please identify the specific reports that your reporter has in mind?

"Representative PATMAN, of Texas, indicated that many philanthropic foundations, including five from Wiston-Salem, were using only a small part of their income for philanthropic purposes."

"PATMAN announced that 534 foundations, including 11 in North Carolina, gave less than half of their earnings to philanthropic good works."

The reporter makes no less than six similar references to income in other parts of his story.

Question: Where do I refer to these foundations disbursing half, less than half, or a small part of their "earnings" or "income"? What is the source of your reporter's statements? The enclosed report? A five-line newspaper clipping? Or perhaps an out-of-date Information Please Almanac? The last two would appear to be standard source material for your organization.

5. The law requires tax-exempt foundations to make a report of their operations on a tax return known as form 990–A (enclosed herewith). This return is composed of 4 pages. It gives information concerning income from investments, other receipts, disbursements, accumulations, and balance sheet items. Penalties for failure to furnish such information are also provided by law, including fines up to $10,000 and jail terms.

The following are among the details required by Treasury regulations on form 990–A, with respect to assets sold: (a) date of acquisition and manner of acquisition, (b) gross sales price, and (c) cost or other basis (value at time of acquisition, if donated). Nevertheless—based on the tax returns submitted to us—the Mary R. Babcock Foundation omitted such details for the years ending August 31, 1957, and August 31, 1958; the John Wesley Hanes & Anna Hodgin Hanes Foundation omitted such details for the years 1951, 1952, 1955, 1956, 1957, 1958, 1959 and 1960; and the Z. Smith Reynolds Foundation failed to report such details for the years 1954, 1955, 1956, 1957, 1958, 1960, and 1961.

6. Instruction 3, page 4 of form 990–A requires that, where a foundation receives money or property from a donor in the amount of $100 or more, it must attach an itemized schedule showing the amount received and the name and address of the donor. From the tax returns submitted to us, it would appear that the John Wesley Hanes & Anna Hodgin Hanes Foundation considers itself exempt from this regulation. This foundation failed to provide such detail for the years 1951, 1952, 1953, 1958, 1959 and 1960.

Question: What penalties were imposed on the Babcock Foundation, the Hanes Foundation, and the Z. Smith Reynolds Foundation for violations of Treasury regulations over a period of years? Why not give us a forthright, straight news story as to what penalties, if any, were imposed on these foundations, or is it your view that such matters are only newsworthy when they involve taxpayers?

7. Re the Babcock Foundation, your reporter states that it "was created in September 1953. At that time $12 million was placed in the foundation under the will of Mrs. Babcock." This is equally as erroneous as other parts of the story. The fact is that the foundation received $7,080,135 during the year ending August 31, 1954, and $4,919,865 during the year ending August 31, 1955. The $12 million—which was left to the foundation—of course escaped estate taxes. So this *was financed* by our taxpayers' dollars.

Your reporter further says that "under the loose head 'receipts' " I have included "the appreciation in value of that gift over the 8-year period."

Question: What is the meaning of "loose head receipts"? What part of our receipts table shows "the appreciation in value of that gift over an 8-year period"?

Additionally, your reporter's table on the Babcock Foundation shows net income (which means gross income less expenses) of $721,509.16, $771,700.62, $872,782.99, and $1,264,179.55 for the years ending August 31, 1958, August 31, 1959, August 31, 1960, and August 31, 1961 respectively. Yet the foundation's tax returns show the following:

Year ending:	
Aug. 31, 1958:	
Gross income	$791,832.05
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Total	750,226.66
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Gross income	2,163,352.46
Expenses	58,598.43
Total	2,104,754.03
Aug. 31, 1960:	
Gross income	1,639,205.70
Expenses	92,142.85
Total	1,547,062.85
Year ending:	
Aug. 31, 1961:	
Gross income	$3,957,498.58
Expenses	104,207.22
Total	3,853,291.36

Your reporter also states that "as of August 31, 1961, the corpus of the Babcock Foundation was valued at $20,561,619." He, of course, omits a somewhat vital fact and that is that the $20 million figure is based on the foundation's carrying value. A more realistic appraisal, including $29,541,249 of securities (market value), would be $34,580,639.

8. With respect to the Hanes Foundation, your reporter states that "in the period 1947, when the Haines Foundation was established, through 1960 the total earnings of the foundation came to $483,077.15." But, the tax returns show that the foundation's total gross income was $642,866 for the period of 1951 through 1960.

9. With respect to the E. Smith Reynolds Foundation, your reporter states that "when you add these long-range obligations to the actual grants you find, again, a picture of a foundation which is spending its income right up to the hilt and even a little bit more." This is, of course, another distortion since appropriations should not be tied in with actual grants. Foundations at times cut appropriations as well as grants, and even receive refunds. Moreover, how do you reconcile spending "income right up to the hilt and even a little bit more" with the fact that the tax returns of the Z. Smith Reynolds Foundation show an accumulation of income (meaning unspent income) of $2,939,548 on December 31, 1961 and $2,500,538 on December 31, 1960?

10. As for the Zachary Smith Reynolds Trust, this foundation had not filed a proper tax return for at least 10 years. It had filed a form 1041 instead of a form 990–A, the former being closed to public inspection. The trust filed its first form 990–A in 1962. Yet Congress has, by law, provided for public inspection of foundation tax returns. The Mercantile-Safe Deposit and Trust Co. of Baltimore, the trustees, says its failure to file form 990–A was due to the fact that Internal Revenue Service had never asked for it.

Question: Since uneducated sharecroppers are expected to know the law, would you say that the same could be expected of a well-paid bank trustee? During the year 1961, the trustee's commissions were $20,640.93. What penalties were imposed on the Zachary Smith Reynolds Trust for failure to file form 990–A?

11. The Babcock Foundation shows the following disbursements under expenses:

Year ending:	
Aug. 31, 1955: Annuity premium on secretary's life	$2,000.00
Aug. 31, 1956: Annuity premiums on secretary and bookkeeper	3,000.00
Aug. 31, 1957: Annuity premiums on secretary and bookkeeper	3,000.00
Aug. 31, 1958: Annuity premiums on Secretary and bookkeeper	3,000.00
Aug. 31, 1959: Annuity premium on secretary	2,000.00
Aug. 31, 1960: Office, travel, annuity premium	3,295.47
Aug. 31, 1961: Office, travel, annuity premium and consultant fee	9,692.97

Question: Since the Babcock Foundation is subsidized by the taxpayers, and assuming that the Secretary referred to above is Mr. Leon L. Rice, Jr., how do you justify the use of public funds for payment of $2,000 annually on an annuity premium for Mr. Rice, a prosperous Winston-Salem attorney?

12. Nor has the Internal Revenue Service performed a field audit on any one of the six Winston-Salem foundations for at least 10 years.

13. By what logic should congressional studies of tax-exempt foundations record the disbursements of foundations but omit money, securities, real estate and other property received by them?

For example, during the year ending August 31, 1956, Mr. C. H. Babcock donated $275,000 cash to the Mary Reynolds Babcock Foundation. Mr. Babcock no doubt took his full income tax deduction for this donation. Such deductions are permitted by law in the hope that the donee will spend the funds for charitable or other exempt purposes. Assuming that the $275,000 was ultimately spent for the exempt purposes, should we have omitted the $275,000 from the receipts but included it in the disbursements?

Moreover, during the years ending August 31, 1954 and August 31, 1955, the Babcock Foundation received 125,000 shares of R. J. Reynolds Tobacco Co. common "B" stock valued on the Foundation's tax returns at $5,043,750. These shares—by being donated to the foundation—escaped estate taxes. Subsequently, during the year ending August 31, 1958, the Babcock Foundation donated to Wake Forest College 3,000 shares of the R. J. Reynolds Tobacco Co. common "B" stock valued on the Foundation's tax returns at $201,000.

Since cash, real estate, securities, etc., are considered to be items of some value which can be sold, bequeathed, or transferred, the Treasury Department requires foundations to report the receipt of such gifts on line 25, page 1 of form 990–A.

Under the method of accounting being promoted by your newspaper, we would have reported to the public that the Babcock Foundation paid out $201,000 but we would have ignored the receipt of the securities by the foundation. Hence the public could simply assume that the donation to Wake Forest sprung from under a magic rock or some such thing. In other words, by your newspaper's standards, we would omit such property when it constitutes receipts but record it when it constitutes charitable disbursements. Such a method of accounting would be precisely the same type of public accounting that has been peddled by foundation press agents, being paid fancy fees—out of public funds—to mislead our people.

It has been common practice for certain foundations to publicize their charitable disbursements while keeping their income and other receipts well hidden.

14. Referring to Commissioner William A. Johnson's letter to me, your reporter says that "on its face Johnson's letter appeared to be a strong endorsement of both PATMAN'S investigation and of the broadcast charges he leveled against North Carolina trusts and foundations." The following is my exact reference to Commissioner Johnson (p. VI of the enclosed report):

"On a State level, officials are becoming increasingly aware of the problems created by tax-exempt foundations and charitable trusts. Mr. W. A. Johnson, commissioner, North Carolina Department of Revenue, has written me as follows:

" 'The increasing tendency to attempt to use tax-exempt foundations and charitable trusts to carry on many business activities heretofore conducted by private, taxpaying individuals and organizations is a matter of considerable concern to us. This trend narrows our overall tax base and, to the extent

that the competition has an adverse effect on private, taxpaying businesses, reduces our revenue from such taxpayers. I very definitely feel that this area needs careful study and I am delighted that your committee is giving it serious consideration'."

Commissioner Johnson's letter to me was dated November 10, 1961. My report is dated December 31, 1962.

Question: In view of those dates, how was it possible for Commissioner Johnson to endorse any part of my report? And where does Commissioner Johnson's endorsement of the report appear?

15. In your newspaper's view—

(a) Should a tax-exempt foundation be permitted to exist in perpetuity? Does your newspaper favor limitless tax exemptions that permit pyramiding of tax-free funds in perpetuity?

(b) Should tax-exempt foundations be subjected to the same kind of detailed financial reporting as is required of taxpayers?

(c) Should tax-exempt foundations be obliged to render a public accounting of their operations?

(d) Is it necessary to close loopholes in the existing tax exemption provisions?

(e) Should tax-exempt foundations be permitted to engage in business to secure income? Should they be permitted to enter into the conduct of business enterprises—for example, manufacturing or merchandising?

(f) Should a tax-exempt foundation be used as a reservoir of capital for a business? Should a tax-exempt foundation be permitted to loan money to its founder's business, to invest in the securities of the founder's business or to purchase assets of the founder's business?

(g) Should a tax-exempt foundation be permitted to borrow funds for purposes of speculation?

(h) Should a foundation's tax exemption be revoked for violations of law or Treasury regulations, for questionable accumulation of foundation funds, mismanagement and inefficient operation, or the use of the foundation as a screen for tax dodging?

(i) Should trustees of a tax-exempt foundation be removed for certain forms of mismanagement such as: violations of law or Treasury regulations, charging excessive fees, misapplication of funds, inactivity of trustees, vested interests of trustees, and speculative investments by trustees?

16. Your newspaper shows a total disregard of the impact of spiraling tax exemptions of our economy and the serious problems that tax exemptions create for tax policy. How do you reconcile your support of huge concentrations of tax-privileged economic power with other of your pronouncements for strengthening our democracy and free enterprise system?

Please check the facts and then consider whether some rigorous self-examination is not in order for both you and your reporter.

I should be very pleased to have copies of your editorials over the past 5 years on the following subjects: the need for responsibility on the part of the press, lack of a free flow of news, the need of more Government information for the public, plugging tax loopholes, inequities in our tax structure, and sound fiscal policies.

Sincerely yours,

WRIGHT PATMAN.

SCHEDULE 1.—*Gross receipts*

[Source: Documents submitted to the Select Committee on Small Business by the foundations]

Foundation	(1) Gross sales or receipts from business activities	(2) Gross profit from business activities	(3) Interest received	(4) Dividends received	(5) Rents and royalties received	(6) Total gain (or loss) from sale of assets
NORTH CAROLINA						
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.			$697,235	$3,566,288	$114,044	$2,042,270
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.			315,472	1,966,290	271,885	237,188
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.			1,424,543	3,761,560	1,556,229	374,342
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.			11,399	164,568		343,161
Hanes, John Wesley and Anna Hodgin, Foundation Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.Y.			15,512	463,282		159,790
Morehead, John Motley Foundation. Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)						
Reynolds, Kate B., Charitable Trust Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.			263,202	3,044,922	834	94
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.			301,513			36,788
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.			2,075,349	5,992,408		
Reynolds, W. N., Trust Care of Wachovia Bank & Trust Co., Winston-Salem, N.C.		$31,846	1,122,106	5,246,670	681,092	728,786
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)						

Foundation	(7) Other income	(8) Total gross income excluding contributions, gifts, grants, etc., received	(9) Total contributions, gifts, grants, etc., received	(10) Total receipts including contributions, gifts, grants, etc., received	(11) Period
NORTH CAROLINA					
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.	$884	$6,420,721	$14,241,126	$20,661,847	1954 through 1960
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.	233,548	3,024,383	3,899,205	6,923,588	1951 through 1960
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.	66,471	7,183,145	7,025,373	14,208,518	1951 through 1960
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.	(22,088)	497,040	677,466	1,174,506	1951 through 1960
Hanes, John Wesley and Anna Hodgin, Foundation Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.	4,282	642,866	2,182,767	2,825,633	1951 through 1960
Morehead, John Motley Foundation Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)					
Reynolds, Kate B., Charitable Trust Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.		3,309,052		3,309,052	1951 through 1960
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.	13,175,039	13,513,340		13,513,340	1951 through 1960
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.		8,067,757		8,067,757	1951 through 1960
Reynolds, W. N., Trust Care of Wachovia Bank & Trust Co., Winston-Salem, N.C.	1,228,529	9,039,029		9,039,029	1951 through 1960
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)					

SCHEDULE 3A.—*Expenses and disbursements*

[Source: Documents submitted to the Select Committee on Small Business by the foundations]

Foundation	(1) Expenses attributable to gross income (Form 990-A, p. 1, line 17)	(2) Administrative and operating expenses paid out of current or accumulated income for purposes for which exempt (Form 990-A, p. 1, line 18)	(3) Contributions, gifts, grants, scholarships, etc., paid out of current or accumulated income for purposes for which exempt (Form 990-A, p. 1, line 19)	(4) Administrative and operating expenses paid out of principal for purposes for which exempt (Form 990-A, p. 1, line 23)	(5) Contributions, gifts, grants, scholarships, etc., paid out of principal for purposes for which exempt (Form 990-A, p. 1, line 24(b))	(6) Expenses attributable to gross income + administrative and operating expenses paid out of current or accumulated income and principal for purposes for which exempt (Form 990-A, p. 1, lines 17+18+23)	(7) Contributions, gifts, grants, scholarships, etc., paid out of current or accumulated income and principal for purposes for which exempt (Form 990-A, p. 1, lines 19+24(b))	(8) Total receipts including contributions, gifts, grants, etc., received	(9) Period
NORTH CAROLINA									
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.	$254,772	----------	$4,104,150	$6,049	$576,237	$260,821	$4,680,387	$20,661,847	1954 through 1960
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.	222,899	----------	4,750,320	----------	----------	222,899	4,750,320	6,923,588	1951 through 1960
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.	863,916	$6,823	4,929,851	----------	----------	870,739	4,929,851	14,208,518	1951 through 1960
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.	32,799	----------	464,252	----------	216,770	32,779	681,022	1,174,506	1951 through 1960
Hanes, John Wesley & Anna Hodgin, Foundation. Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.	20,080	----------	246,633	62	164,800	20,142	411,433	2,825,633	1951 through 1960
Morehead, John Motley, Foundation. Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)	----------	----------	----------	----------	----------	----------	----------	----------	
Reynolds, Kate B., Charitable Trust. Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.	158,103	----------	2,749,647	----------	----------	158,103	2,749,647	3,309,052	1951 through 1960
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.	----------	40,909	12,841,545	----------	----------	40,909	12,841,545	13,513,340	1951 through 1960
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.	178,084	----------	----------	----------	----------	178,084	----------	8,067,757	1951 through 1960
Reynolds, W. N., Trust Care of Wachovia Bank & Trust Co., Winston-Salem 1, N.C.	614,152	----------	6,206,661	----------	----------	614,152	6,206,661	9,039,029	1951 through 1960
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)	----------	----------	----------	----------	----------	----------	----------	----------	

SCHEDULE 5.—*Assets*

NOTE.—The 1960 figures are as of the end of the fiscal or calendar year and the 1951 figures are as of the beginning of the fiscal or calendar year, unless other years are indicated.

[Source: Documents submitted to the Select Committee on Small Business by the foundations]

Foundation	(1) Cash	(2) Notes and accounts receivable less reserve for bad debts	(3) Inventories	(4) Investments in Government obligations [1]	(5) Investments in non-Government bonds, etc.[1]	(6) Book values of investments in corporate stocks	(7) Market values of investments in corporate stocks
NORTH CAROLINA	*1960*	*1960*	*1960*	*1960*	*1960*	*1960*	*1960*
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.	$203,509	$10,094	----------	$902,044	$3,123,673	$9,254,385	$21,493,602
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.	50,458	----------	----------	353,185	351,560	4,179,489	5,036,055
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.	125,926	450	----------	3,095,011	2,376,000	10,837,038	11,765,012
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.	4,805	230	----------	----------	----------	559,904	989,131
Hanes, John Wesley & Anna Hodgin, Foundation. Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.	21,077	224	----------	97,985	269,362	2,210,357	3,416,577
Morehead, John Motley, Foundation. Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)	----------	----------	----------	----------	----------	----------	----------
Reynolds, Kate B., Charitable Trust. Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.	6,235	101	----------	1,174,842	----------	4,203,635	17,670,826
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.	165,936	----------	----------	2,334,601	----------	----------	----------
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.	285,496 (Feb. 28, 1961)	----------	----------	94,250 (Feb. 28, 1961)	5,009,920 (Feb. 28, 1961)	7,910,443 (Feb. 28, 1961)	37,344,258 (Feb. 28, 1961)
Reynolds, W. N. Trust Care of Wachovia Bank & Trust Co., Winston-Salem 1, N.C.	135,306	64,462	----------	1,046,777	4,863,727	7,985,239	46,846,921 (Aug. 31, 1961)
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)	----------	----------	----------	----------	----------	----------	----------

See footnotes at the end of schedule 6.

SCHEDULE 5.—*Assets*—Continued

NOTE.—The 1960 figures are as of the end of the fiscal or calendar year and the 1951 figures are as of the beginning of the fiscal or calendar year, unless other years are indicated.

[Source: Documents submitted to the Select Committee on Small Business by the foundations]

Foundation	(8) Other investments [2]	(9) Capital assets: Depreciable (and depletable) assets less reserve for depreciation (and depletion)	(10) Capital assets: Land	(11) Other assets	(12) Total assets, with market values of securities being used wherever available [1] [3]	(13) Total assets based on book values only	(14)
NORTH CAROLINA	*1960*	*1960*	*1960*	*1960*	*1960*	*1960*	*1951*
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.		$12,181	$2,299,216	$2,502,984	$30,547,303	$17,506,808	(Jan. 1, 1954)
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.		149,641			5,940,899	5,136,626	$3,186,267
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.	$41,351	540,791	655,334	123,162	18,723,037	17,897,607	9,235,864
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.	27,764				1,021,930	592,704	107,995
Hanes, John Wesley & Anna Hodgin Foundation Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.					3,805,225	2,593,780	203,811
Morehead, John Motley, Foundation Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)							
Reynolds, Kate B., Charitable Trust Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.					18,852,004	5,384,815	5,008,668
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.					2,500,537	2,500,538	1,324,127
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.	1,096,070 (Feb. 28, 1961)				43,829,994 (Feb. 28, 1961)	14,377,152 (Feb. 28, 1961)	13,803,828
Reynolds, W. N., Trust Care of Wachovia Bank & Trust Co., Winston-Salem 1, N.C.		420,639	509,639	55,003	53,942,474	14,563,440	1,052,935
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)							

See footnotes at the end of schedule 6.

SCHEDULE 6.—*Liabilities, net worth, and accumulation of income*

NOTE.—The 1960 figures are as of the end of the fiscal or calendar year and the 1951 figures are as of the beginning of the fiscal or calendar year, unless other years are indicated.

[Source: Documents submitted to the Select Committee on Small Business by the foundations]

Foundation	(15) Total liabilities [4] 1960	(16) Total liabilities [4] 1951	(17) Total net worth based on using assets with market values of securities wherever available (col. 12) 1960	(18) Total net worth based on using assets with book values only (cols. 13 and 14) [4] 1960	(19) Total net worth based on using assets with book values only (cols. 13 and 14) [4] 1951	(20) Accumulation of income 1960	(21) Accumulation of income From date of organization to 1951	(22) Increase (decrease) in net worth, 1951 through 1960 based on using assets with book values only (cols. 18 and 19) [4]
NORTH CAROLINA								
Babcock, Mary Reynolds, Foundation, Inc. Post Office Box 199, Reynolds Station, Winston-Salem, N.C.	$1,782	(Jan. 1, 1954)	$30,545,521	$17,505,026	(Jan. 1, 1954)	$19,695	(Jan. 1, 1954)	$17,505,026
Burlington Industries Foundation 301 North Eugene St., Greensboro, N.C.			5,940,899	5,136,626	$3,186,267	2,707,039	($758,193)	1,950,359
Cannon Foundation, Inc. Post Office Box 1192, Concord, N.C.	648,256	14,266	18,074,781	17,249,351	9,221,598	1,607,067	604,688	8,027,753
Cannon, Martin, Family Foundation, Inc. 220 West 4th St., Charlotte, N.C.		7,000	1,021,930	592,704	100,995			491,709
Hanes, John Wesley & Anna Hodgin, Foundation Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.			3,805,225	2,593,780	203,811	366,603	(9,549)	2,389,969
Morehead, John Motley, Foundation Post Office Box 1027, Charlotte, N.C. (See New York City listing for data.)								
Reynolds, Kate B., Charitable Trust Care of Wachovia Bank & Trust Co., Post Office Box 3099, Winston-Salem, N.C.			18,852,004	5,384,815	5,008,668			376,147
Reynolds, Z. Smith, Foundation, Inc. 1206 Reynolds Bldg., Winston-Salem, N.C.		1,303,223	2,500,537	2,500,538	20,904	2,500,538	20,903	2,479,634
Reynolds, Zachary Smith, Trust Winston-Salem, N.C.			43,829,994	14,377,152	13,803,828			573,324
Reynolds, W. N., Trust Care of Wachovia Bank & Trust Co., Winston-Salem 1, N.C.			53,942,474	14,563,440	1,052,935			13,510,505
Richardson Foundation, Inc. Greensboro, N.C. (See New York City listing for data.)								

[1] These securities are shown at market wherever such data was submitted by the foundations, and the valuation dates are as shown in columns 4 and 5.

[2] The foundations' assets consist of a variety of investments other than securities. Land, real estate, inventories, equipment, patents, insurance policies, works of art, etc., are examples of assets owned by the foundations, and their market valuation may be considerably greater than the book values indicated by the foundations and used herein.

[3] Wherever market values were submitted, the valuations are as of the dates shown in columns 4, 5, and 7. The market valuation of investments generally is as of the same date as the foundation's accounting year end. In cases where these dates are not identical, the market valuation made available by the foundation at a date closest to their accounting year end is used and the date identified.

[4] Some of the foundations submitted balance sheets which do not clearly show any demarcation between liabilities and net worth. Sometimes the various categories are summarized as "Total Liabilities" and this total equals the foundation's total assets. In most such instances, the Committee has not attempted to reclassify items which appear to be of "Net Worth" nature but which have been classified as a liability by the foundation.

ADDRESS BY VICE PRESIDENT LYNDON B. JOHNSON

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. VANIK] is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on Saturday, January 26, at the Cleveland-Sheraton Hotel in Cleveland, Ohio, before almost 2,000 members and guests of the Urban League of Cleveland, Vice President LYNDON B. JOHNSON delivered a vital message on the progress of the Nation's struggle toward equal employment opportunities. The entire Cleveland community is grateful to the Vice President for his inspiring message, which follows:

REMARKS BY VICE PRESIDENT LYNDON B. JOHNSON, CLEVELAND URBAN LEAGUE, CLEVELAND, OHIO, JANUARY 26, 1963

Before coming here today, my good friend, Secretary Celebrezze, cautioned me that even in a progressive city like Cleveland I would be likely to find those citizens who have a strong preference for lower taxes—and strong feelings against a national deficit. As you are well aware, the administration which both your former mayor and I serve is now offering both of those attractions. However, my purpose today is to talk with you of the cause and cure of a national deficit which far exceeds that anticipated in the Federal budget for fiscal 1964.

I refer to the dollars-and-cents cost which our country pays every year as the exorbitant price for discrimination.

The Council of Economic Advisers calculates that elimination of discrimination in our economy and our society would add $15 billion to our gross national product each year. That is one and one-half times more than the budget for Secretary Celebrezze's Department of Health, Education, and Welfare, five times greater than military and economic assistance to other nations, and equal to nearly one-third the cost of our national defense.

In other words, we've got too many trained men and women working in jobs that require none of their skills, and all because of skin coloration.

I have emphasized these figures for a reason. We are observing this year the 100th anniversary of the signing of the Emancipation Proclamation. That proclamation stands as one of the noble documents of our history. When we talk about it, there is an understandable temptation to indulge in rhetoric and rolling phrases because it does inspire a justified eloquence.

At this time and place in our history, however, it is far more appropriate that we take a both-feet-on-the-ground view of the work which remains to be done in the spirit of that proclamation. Abraham Lincoln faced the issue of men in the bondage of chains. A century later, we who live today face the issue of men in bondage to the color of their skins. The Emancipation Proclamation freed the slaves, but it did not free America of the burdens or the costs of discrimination.

We are today confronted with the challenge of those costs and of overcoming them. President Lincoln recognized that "a house divided against itself cannot stand." Our challenge is to recognize that a people discriminating against themselves can neither prosper to the fullest of their potential nor enjoy together the full fruits of domestic tranquillity and freedom.

As Vice President of the United States, it is my privilege to serve as Chairman of two presidential committees—the President's Committee on Equal Employment Opportunity and the National Aeronautics and Space Council. These two positions serve constantly to impress upon me both the magnitude of the challenge America faces in regard to discrimination and the opportunity which this present period in our national affairs presents for solution of that challenge.

Our national space effort today is great; and it is growing. We face many problems of technology. But the greatest problem which hangs over this national effort is the question of where we get the quantity and quality of manpower America will need throughout the remaining years of this century.

When the 20th century began, American industry had 200 factory workers for each engineer. Today, the national average is about 50 to 1. In some industries, it is 10 to 1.

The demands of the space age are accelerating the shift in this ratio at an incredible rate. This is illustrated by Project Mercury which has sent three Americans in orbit around the earth. Project Mercury is less than 5 years old. In that short period, however, it has already created tens of thousands of new jobs in our economy, and it is estimated that more than 400,000 workers have made contributions to that project.

While Project Mercury is still operating, Projects Gemini and Apollo are developing with the objective of landing a man on the moon. Hundreds of thousands of additional trained and skilled craftsmen in many fields will be needed to make these projects successful.

This will be the pattern throughout the future. But the question remains: Where do we get the quantity and quality of manpower we need?

By 1970—only 7 years away—we will be needing 7,500 Ph. D.'s in engineering, mathematics, and physical sciences. In 1960, only 3,000 Ph. D.'s were awarded. By 1970, we shall need 30,000 graduate students in those same fields. Last year we had only 10,000 such graduate students enrolled.

Ninety percent of all the scientists who have ever lived in the history of the world are living today. In less than 10 years, 75 percent of the persons working in the industry of America will be producing products that have not yet been invented or discovered. We are racing against time in the effort to maintain the quality of manpower supply we shall need. For example, practically every student who could obtain a Ph. D. by 1970 has already entered college.

While these are our needs, we are faced with the fact that in our public education system about 1 million students are quitting high school each year without graduating. Many of these wouldn't go on to college but many of them could do better by staying in school and learning to run a lathe or a card-punch machine.

The fact is obvious that if we are to meet our needs, a large part of the answer must come and will come from eliminating the discrimination which deprives us of the full use of the talents of young nonwhite Americans.

Our strength as a nation—and our success as a world leader in the cause of freedom—depends upon the responsibility, the diligence and the speed with which we attack the problems of unequal opportunity in the practices of our economy and our society.

I am pleased by the fact that so many of the Nation's large employers—including many firms with plants in the Cleveland area—are voluntarily facing this problem and undertaking to do something about it. Most of the leading industrial corporations in the United States have adopted plans for progress, pledging to take affirmative steps above and beyond requirements in eliminating discrimination in hiring, training, advancement and promotion. I would like especially to mention a distinguished Ohio businessman who has made a valuable contribution as a member of the presidential committee—Mr. Fred Lazurus, Jr., of Cincinnati, chairman of the board of Federated Department Stores.

American industry is taking an intelligent and responsible view of the problem and of its own responsibilities. The unions of America, likewise, are accepting their share of responsibility. I am glad to say that the agencies of the Federal Government are making very substantial progress.

This is good—this is encouraging. But the demands of the next decade are pressing down upon us today. We shall not be able to meet those demands unless we can succeed at motivating young nonwhite Americans to pursue the studies, continue the classroom work, and otherwise prepare for the opportunities which will be open to them tomorrow.

The average Negro in America has had 3 years less schooling than the average white American. The long-standing pattern of job discrimination has discouraged Negroes from seeking to enter the main stream of American industry and commerce. Too often in the past, Negroes with college degrees have been denied the opportunity to fulfill their capabilities and have been faced with the choice of continuing to work in the Negro community or accepting menial work in white-owned businesses.

When the work of the Committee on Equal Employment Opportunity began, the major task was that of persuading employers to utilize the talents of the well-trained Negro. Today, it is our new task—for our Committee and for your organization—to convince the Negro himself that skills and training and education are worth acquiring.

We can compliment ourselves on the progress which has been made by organizations such as the Urban League and the Greater Cleveland Youth Service Planning Commission and others, without, at the same time, becoming falsely content with such accomplishments. These next 100 years of our national experience demand of us that we resolve the problems left unresolved when the Emancipation Proclamation freed the slaves. It is important for us to remember that we are working against time and that our efforts today must move forward with new determination, new dispatch, and new diligence if we are to succeed in giving America the full strength of all its people.

Let us continue the fight for equal opportunity, not as members of any race, but as Americans devoted to the goal of "one nation under God, indivisible, with liberty and justice for all."

WOODROW WILSON HIGH SCHOOL, PORTSMOUTH, VA., CONFERS OUTSTANDING HONOR ON CAPT. MILES P. DuVAL, JR.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, as a student of Isthmian history and interoceanic canal problems, I long ago noted how responsible positions in the construction of the Panama Canal or in its subsequent maintenance, operation, and protection have occasionally served to open new opportunities for those who made worthwhile contributions during their years in the Canal Zone. This aspect of Isthmian service is well exemplified by the career of Capt. Miles P. DuVal, Jr. U.S. Navy, retired.

During the crucial period, 1941–44, while he was captain of the port, Balboa, in charge of marine operations in the Pacific Division of the Panama Canal,

a combination of factors enabled him to perform services for the enterprise that are historic. Eventually, this background of experience led to his special assignment in 1946–49, under orders of the Secretary of the Navy, James Forrestal, as head of the Navy Department studies for canal modernization.

A native of Portsmouth, Va., and a graduate of the Portsmouth—later Woodrow Wilson—High School, Captain DuVal was signally honored by this institution as a distinguished alumnus at a student assembly on the morning of October 26, 1962, when a bust of him was unveiled.

The sculptor and donor of the bust, yet living, is Ross R. Williams, of Colebrook, Conn., who while on duty with the Navy in the Canal Zone, had executed it during January–March 1944.

The bust is permanently placed in the Mildred Johnson Memorial Library of the Woodrow Wilson High School and bears the following inscription: "Capt. Miles P. DuVal, Jr., U.S. Navy, distinguished naval officer, historian of the Panama Canal, authority on interoceanic canal problems, Portsmouth—later Woodrow Wilson—High School, class of 1914—Sculptor, Ross R. Williams, Balboa, C.Z., 1944."

The occasion, indeed, was notable. Attended by leaders of Portsmouth and Norfolk County, headed by Mayor R. Irvine Smith, of Portsmouth, the special guests included members of the high school class of 1914 and three surviving teachers of the period of Captain DuVal's studentship in the public schools of that city. They were Miss Lelia Deans, Mrs. Olive Brooks Dorin, and former Superintendent of Schools Harry A. Hunt.

Called to order by the president of the student body, Julia Dorsey Reed, following a series of impressive music selections by the high school band, under the direction of H. Richard Dill, the assembly program was conducted with a precision that reflected great credit on all who participated.

An interesting feature of the proceedings was the reading by Dr. Robert W. Allen, principal of the high school, of a message received by him the same morning from the Honorable Maurice H. Thatcher, of Washington, D.C., sole surviving member—1910 to 1913—of the Isthmian Canal Commission that was charged by act of Congress with responsibility for construction of the Panama Canal. The message follows:

In bestowing honor upon Captain DuVal the Woodrow Wilson High School honors itself. His invaluable histories of the Panama Canal enterprise, and his efforts to serve it and his country in peace and war, have been notable, and are measurably due to his high school studentship. While yet we live let us honor those yet living.

A moving tribute on the program was Captain DuVal's thoughtful recognition of his three teachers whom he called by name and requested to stand.

By special request of Dr. Allen, Captain DuVal spoke on the subject of the Panama Canal and illustrated his address with slides. He was introduced by the principal; and the bust was unveiled by the president of the student body, Miss Reed, acting on behalf of Sculptor Williams, who could not attend for reasons beyond his control.

The main parts of the program follow:

REMARKS OF DR. ROBERT W. ALLEN, INTRODUCING CAPTAIN DUVAL

Members of the faculty, special guests, and students of Woodrow Wilson High School, during the years when the Panama Canal was under peak construction, this school was located on Washington Street. The student body there followed closely the progress of the great project, which was then a major topic of discussion among its members. One of those students is our speaker today.

Graduating in the class of 1914, which was the same year in which the Panama Canal was opened to traffic, he had already decided upon a career in the Navy. Appointed to the Naval Academy in 1915 by Congressman A. J. Montague, of Richmond, Va., he was a member of the class of 1919 but was graduated from the Academy a year early in 1918, because of the urgent need for young officers for World War I.

What is it in his subsequent career that especially qualifies him to speak to us about the Panama Canal?

Afloat, he has served on various types of vessels on the three coasts of the United States and in the Caribbean, in Central and South America, in Europe, and, during World War II, in the Far East and the Southwest Pacific, thus gaining an extensive background of naval experience in both peace and war. This included the command of three vessels, with participation in the 1933 naval demonstration off Cuba, the Okinawa campaign, and the occupation of the Japanese Empire and the coastal areas of China, as well as numerous visits in major ports on four continents and many transits on large vessels through the Panama Canal.

Ashore, he has had post graduate training at the Naval War College, the Naval Post Graduate School, and Georgetown University, at which last institution he was awarded the degree of master of science in foreign service (M.F.S.). In the light of later events, it is noteworthy that during 1936–38, he was secretary of the Navy Department Shore Station Development Board, which duty afforded him a deep insight into the problems of fundamental development planning.

Ordered to the Canal Zone in February 1941 with an assignment in charge of marine operations in the Pacific sector of the Panama Canal during the most crucial period of its history, he had the combination of experience and scholarship that enabled him to make constructive contributions to the great enterprise. These included the preparation and formal submission of the first comprehensive plan for the operational improvement of the Canal, which has been described in technical publications and lay literature and has attracted worldwide attention.

After returning from the Pacific in early 1946, he was designated by the late Secretary of the Navy, James Forrestal, as the Navy Department liaison officer and head of the naval studies for the modernization of the Panama Canal, an assignment held by him until his voluntary retirement in 1949 following 34 years of naval service.

An author of two important books on Panama Canal history and of various articles on interoceanic canal problems in professional magazines and reference works, he has importantly contributed to canal literature and is now engaged in preparing the third volume of a trilogy.

Thus, in our speaker we have one whose broad naval experience and intensive studies of Panama Canal history and problems combine to qualify him eminently to address this gathering. In so doing, he wishes to stress that the opinions and assertions which he will make are his personal ones and are not to be construed as official or as necessarily reflecting the views of the Navy Department or any other agency.

He of whom I speak has never forgotten his studentship in Portsmouth. His interest in this school has continued with unabated force and vigor. In addition to copies of his books and pamphlets previously given, he recently presented to our school a 1962 edition of the Encyclopaedia Britannica, in which he is the author af the article on the Panama Canal; also a pair of U.S. flags that have been flown over the Capitol in Washington. One of them is now flying at our flagmast in front of the school and the other adorns this platform.

Ladies and gentlemen, it is my honor and privilege to present Capt. Miles P. DuVal, Jr., who will address us on the subject: "Panama Canal: Four Century Dream Realized."

PANAMA CANAL: FOUR CENTURY DREAM REALIZED

(Address before the faculty and student body, Woodrow Wilson High School, Portsmouth, Va., with memorial tribute to Theodore Roosevelt, by Capt. Miles P. DuVal, Jr., U.S. Navy (retired), October 26, 1962)

Dr. Allen, members of the faculty, honored guests, and fellow students, it is an honor and a privilege to address this gathering in the high school which gave me my start in life. Since that time, when in various parts of the world and in crucial situations, hardly a day has passed that I did not recall or apply some of the lessons learned in the schools of my native city.

For this reason, I dedicate this address to the memory of my teachers and my classmates.

Also I should like to have it considered as a memorial tribute to that great American whose courageous action initiated the construction of the Panama Canal and whose 104th birthday occurs tomorrow, President Theodore Roosevelt.

START OF AN IDEA

In the fall of 1936, the members of an advanced class in American history in the Foreign Service School of Georgetown University met for their first session under another teacher, William Franklin Sands. Born in a family long prominent in the Navy and trained for a diplomatic career, he had deep roots in American tradition and wished to know something about the background of his students. After slowly scrutinizing the class, he questioned each member as to his name, home State, and how long he and his family had lived in the United States.

The replies were most revealing. Some had names difficult to pronounce. Many were recent arrivals from Europe. Most of them lacked real American roots.

Long before he reached me, the purposes of his critical examination were clear. My prompt reply to his query was: "My name is DuVal. I come from Virginia, and have been living there since 1701."

Again he questioned the class concerning the subject to be chosen by each student, for special study. To this I answered: "I wish something in line with my profession. The Panama Canal is the strategic center of the Americas and I have long been interested in it. I would like to study the Panama Revolution of 1903."

"Fine" he remarked. "That is an important subject with a direct bearing on the Navy. It is a good choice."

Early in the term, it became clear that the story of this revolution and its implications was so vast that it simply could not be covered properly in one term. To my request for an extension of time, the professor answered instantly: "That's a good idea. Work on the paper throughout the year.

That will give you an opportunity to prepare a better one."

In the light of subsequent events, that action was most fortunate. Most professors would have required submission of some form of paper, however mediocre.

TERM PAPER RIPENS INTO A BOOK

Meanwhile, as understanding of the subject increased the scope of the paper broadened. Instead of a description of a small revolution, it became the story of a great movement for a waterway across the American Isthmus, in which the creation of the Republic of Panama and acquisition of the Canal Zone by the United States were historic consequences.

At the end of the year in 1937, the work was submitted. Bound in impressive black covers, it looked more like the manuscript for a sizable book than a mere term paper.

Thumbing through the pages and obviously pleased, the professor stated: "This is not a term paper but a Ph. D. thesis. I shall speak to the regent of the school (Dr. Edmund A. Walsh, S.J.) about it."

A few days later, Dr. Walsh, an eminent authority on the Russian revolution, sent for me and stated: "Commander DuVal, you have prepared a very fine paper but it is not good enough for a Ph. D. thesis. We have in our archives the unexplored papers of Tomás Herrán, the Colombian diplomat in Washington at the time of the 1903 Panama Revolution. You now know the field. If you will go through his papers and fit them into your thesis where they belong and preface it with the necessary historical background, you will have something really worthwhile."

That helpful suggestion was a second key event in what was to follow. The required research and revision took about a year.

In June 1938, I turned in the completed thesis under the title of "Cadiz to Cathay," which was the story of the long diplomatic struggle for the Panama Canal, and departed for sea duty in the Pacific Fleet.

As the result of being on the west coast, the manuscript was published by Stanford University Press in California in 1940—a period when war clouds were forming all around the political horizon. This timely appearance of the book attracted wide attention and eventually led to my assignment in February 1941 to the Panama Canal for my next duty, only 10 months before Pearl Harbor.

CANAL ZONE ASSIGNMENT

Before sailing for the isthmus, I spent an evening with my former professor, then in retirement at his home in Washington. Gratified by my report as to what had grown out of a paper in his class at Georgetown, he said:

"You are going to the isthmus at a crucial time in history. Great opportunities will unfold, and I know that you will make the most of them. Why not undertake another worthwhile book while you are on the scene? The real genius in building the Panama Canal was John F. Stevens but the story of his work has never been written. Why don't you write it?"

Thrilled by his clear suggestion, I left him determined to explore its possibilities. A few days later, February 26, 1941, I landed at Cristobal at a time when the Canal Zone was a scene of tremendous activity, in preparation for its defense.

Assigned to a position in charge of marine operations in the Pacific sector of the Panama Canal, I soon found that this area included key elements in the operation of the canal, to be mentioned later. Thus, it afforded a unique opportunity to study the problems of operations, to observe the scenes of highest activity during construction, and thereby to gain the understanding essential for writing an objective history of its buildings and the planning for a future canal.

ISTHMIAN TOPOGRAPHY

What is the nature of the Isthmus of Panama that made it the most favored for an interoceanic canal?

As one of the two portions of the American Isthmus where the mountains are lowest, it is located in an area of heavy tropical rainfall, and covered with jungle penetrated by river valleys. Running almost east and west, the Continental Divide parallels the Pacific coast about 9 statute miles away, and forms the dominant part of the landscape.

North of the divide is the large valley of the Chagres River, with a watershed of 1,320 square miles, which drains into the Atlantic Ocean through a terrain favorable for the creation of an artificial lake. South of the divide is the smaller valley of the Rio Grande with a drainage area of 37 square miles, also favorable for forming a lake.

The Chagres River Valley is subject to great floods, at times equaling the volume of the Niagara Falls; the Rio Grande Valley to smaller ones. The geological formation is one of the most treacherous with which engineers have ever had to deal, and subject to landslides.

For many years the combination of these factors conspired to make the task of building any canal at Panama seem insuperable.

CREATOR OF THE PANAMA CANAL

The first person to understand the topography of the isthmus and see the solution that would minimize the volume of excavation and enable control of torrential rivers, changing them from being "lions in the path" of any canal into the means for creating and operating it, all at least cost, was a French engineer, Adophe Godin de Lépinay de Brusly.

In 1879, Ferdinand de Lesseps, the hero of Suez, which was a simple sea-level canal through sandy desert, called a congress in Paris of 135 distinguished men to decide the questions of the best site and type of canal on the American Isthmus—a wholly different problem from that of Suez. Lending the full force of his prestige and genius toward securing approval for a sea-level undertaking at Panama, he dominated the congress.

De Lépinay, the only member of that congress who had adequately studied the geography of the isthmus and could interpret its elements in the light of both engineering requirements and navigational needs, rose in strong protest.

Then, with the vision and simplicity of genius, he proposed a practical plan, here summarized: "Build a dam at Gatun and another at Miraflores, or as close to the seas as the configuration of the land permits. Let the waters rise to form two lakes about 80 feet high, join the lakes thus formed by a channel cut through the Continental Divide, and connect the lakes with the oceans by locks. This is not only the best plan for engineering but also best for navigation."

This plan, so obvious, simple, and relatively inexpensive, and the only one which at that time could have had any chance for success, was not understood. His great idea was ignored and the Panama project was treated as if it were another Suez. De Lépinay's conception of the plan, however, and its dramatic presentation in 1879, establish him as an architectural and engineering genius—the originator of the basic plan by which the Panama Canal was eventually built.

The French company, despite De Lépinay's timely warning and brilliant solution, launched upon their ill-fated undertaking according to a proposal that made defeat inevitable. Ten years later, in 1889, the great French effort collapsed and the isthmus returned to the jungle. Nevertheless, De Lépinay's vision places him in history as the creator of the Panama Canal.

PANAMA CANAL ZONE

The first major step of the United States toward construction of an interoceanic canal was securing a strip of land on the isthmus in which to build it.

After an extraordinary diplomatic struggle and scorching debate known as the battle of the routes, the Congress, by the Spooner Act of June 28, 1902, authorized acquisition by the United States of a canal zone in what was then a part of Colombia, the purchase of the French holdings, and construction of a canal at Panama. The act also provided for constructing a canal at Nicaragua as an alternate project, in event suitable arrangements could not be made for one at Panama.

The agreement negotiated with Colombia for this purpose, though ratified by the U.S. Senate, became politically involved at Bogotá, and the Colombian Senate, on August 12, 1903, and against the urgent pleadings of our minister there, rejected this treaty.

Panamanian leaders, fearing that after all Panama might still lose the canal to its ancient rival, Nicaragua, set out to preclude that possibility. In the United States, President Theodore Roosevelt, determined to start construction of the Panama Canal, prepared for eventualities. Fortunately, the crisis came at a time when he could act unhampered.

Under the leadership of Dr. Manuel Amador and other Panamanian patriots, the State of Panama seceded from Colombia on November 3, 1903, and declared its independence, which was promptly recognized and guaranteed by the United States. Then followed a new canal treaty, signed November 18, 1903, with Panama instead of Colombia.

In this treaty, the Republic of Panama granted to the United States in perpetuity the use, occupation, and control of the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal as if the United States were sovereign of that territory and, most significantly, to the entire exclusion of Panamanian sovereignty. The ratification of this treaty sealed the choice of the Panama route. Its terms were of indispensable character and constituted the justification for our country's assumption of the grave responsibilities involved in the construction of the great isthmian waterway.

BUILDING THE CANAL

Under the influence of public clamor to make the dirt fly, construction with outmoded French equipment started prematurely in 1904, with increasing uncertainty as to the type of canal to be constructed—a high-level lake and lock type, as contemplated in the final French plans, or one at sea level.

Fortunately, when the time approached for decision in 1905, President Theodore Roosevelt selected the great railroad builder, explorer, and business executive, the late John F. Stevens, as Chief Engineer of the Isthmian Canal Commission.

The qualifications of Stevens were unique. He had read everything available on the proposed canal since the time of Philip II, built railroads in the Rocky Mountains, and supervised open mining excavations in Minnesota. Thus, he knew Isthmian history and understood the delicate balances of nature and the hazards involved in excavating a ship channel through mountainous area subject to landslides.

Arriving on the isthmus on July 25, 1905, at the height of the hysteria caused by a combination of a yellow fever epidemic and the unexpected resignation of the previous Chief Engineer, he brought conditions under control immediately. Experienced in large

undertakings in undeveloped country, he promptly provided housing and commissaries for employees, encouraged sanitation, renovated the Panama Railroad, planned the transportation for the removal of excavation spoil from Culebra Cut, ordered a major part of the construction equipment, and formed the basic engineering organization for building the canal.

Indeed, so rapid was his progress that he felt himself hampered by having to wait for a decision as to the type of canal.

In another memorable struggle in the Congress, known as the battle of the levels, Stevens was instrumental, with the strong support of President Roosevelt, Secretary of War Taft, and the Isthmian Canal Commission, in bringing about the adoption, by act of the Congress, approved June 29, 1906, of the high-level lake and lock plan. That was the great decision in building the Panama Canal, which has brought him lasting fame as its basic architect.

In 1907, after having guided the project to a point where its success was a certainty, Stevens relinquished his positions as Chief Engineer and Chairman of the Isthmian Canal Commission, to which combined offices he had been appointed by President Roosevelt in recognition of his important services.

He was succeeded by Col. George W. Goethals under whose direction, as the second and last Chairman and Chief Engineer of the Isthmian Canal Commission, the project was completed essentially in accordance with the plan and organization developed by Stevens. It was officially opened to traffic on August 15, 1914, soon after the start of World War I.

THE COMPLETED CANAL

The Panama Canal does not cross the isthmus from east to west, as generally supposed, but from northwest to southeast, with the Atlantic entrance about 33 miles north and 22 miles west of the Pacific entrance.

If any of you visit the isthmus you will be able to see the sun rise in the Pacific and set in the Atlantic.

The major part of the Canal is an artificial elevated shipway, 87 feet above sea level, formed by impounding the waters of the Chagres River valley by means of a great earth dam on the Atlantic side at Gatun and a smaller dam at Pedro Miguel on the Pacific side.

From north to south the main parts of the waterway are:

(a) Atlantic sea level section from deep water to Gatun locks, about 7.4 miles in length and having a tidal range of 2 feet.

(b) Gatun locks in three steps of 29 feet each from Atlantic sea level to Gatun Lake.

(c) Gatun Lake, 87 feet above sea level, with an area 163.4 square miles and channel length of 24 miles.

(d) Culebra, renamed as Gaillard Cut, which is an extension of Gatun Lake from Gamboa across the continental divide to the Pacific locks, about 8 miles long.

(e) Pedro Miguel locks in a single step of 33 feet at the south end of the cut, where it forms a dangerous traffic bottleneck.

(f) Miraflores Lake, 54 feet above sea level and 1 mile long.

(g) Miraflores locks in two steps to Pacific sea level.

(h) Pacific sea level dredged channel from Miraflores locks to deep water, about 8.5 miles long and having a maximum tidal range of 22 feet.

The length of the Panama Canal from deep water to deep water is about 50 miles; from shore line to shore line, about 40 miles; and at the summit level, Gatun Lake and Culebra Cut, about 32 miles.

All locks are of twin or dual construction to permit transits of vessels in opposite directions. All have usable dimensions of 1,000 feet length and 110 feet width, with depth to accommodate vessels drawing 40 feet in salt water. The minimum channel width is 500 feet except in Culebra Cut, which is 300 feet.

For reasons too complicated for recital here, the Pacific end differs radically from the Atlantic end. All locks at the Atlantic end are consolidated structures at Gatun, with commodious anchorages in Limon Bay and Gatun Lake, convenient for use by vessels in transit.

At the Pacific end, the locks are in two sets separated by the small Miraflores Lake, an arrangement causing major operational problems and constituting what was really the fundamental—but not fatal—error in the original design of the Panama Canal.

Notwithstanding this deficiency, the Panama Canal is still recognized as one of the greatest engineering feats of history, reflecting distinction on all who contributed to its success.

The story of its building, 1904–14, is a great American saga and worthy for portrayal by a modern Homer. While on the scene in the Canal Zone under inspiring conditions, I undertook to write it in a second volume, "And the Mountains Will Move," published by the Stanford Press in 1947. Though many have inquired how writing this volume had been accomplished in addition to normal responsibilities, the explanation is simple. The increased knowledge gained by the research actually served to make my official duties easier.

WAR EXPERIENCE FOCUSES ATTENTION ON CANAL PLANNING

Prior to Pearl Harbor, a series of marine accidents led to extensive operational studies, which I was privileged to undertake. Out of them developed the first comprehensive proposal for the major operational improvement of the Panama Canal, known as the Terminal Lake-third locks plan.

The main features of this solution are (1) removal of the Pedro Miguel locks, (2) consolidation of all Pacific locks at Aguadulce near Miraflores, to match the lock arrangement at Gatun, (3) elevation of the Miraflores Lake level to that of Gatun Lake, (4) raising the entire summit water level from 87 feet to 92 feet, (5) enlargement of Culebra Cut, (6) and construction of a parallel set of larger locks for transit of larger vessels, utilizing as far as possible the partial work on the suspended third locks project.

This plan will remove the traffic bottleneck at Pedro Miguel, correct problems caused by the present operational dissymmetry, increase channel depth, conserve lockage water, and increase capacity. It will supply the best operational canal practicable of achievement at least cost, and will not require a new canal treaty with Panama.

Publicly presented by me on May 20, 1943, in an address before high officials of the Panama Canal and the Armed Forces at the Canal Zone Junior College, it was later submitted by the affected authorities to the Congress and the President, and was a major factor in bringing the vital canal question into focus.

IN PERSPECTIVE

What has the opening of the Panama Canal meant? It has greatly shortened sailing distances, caused the formation of new trade routes, reduced transportation costs, and served the cause of freedom in three great wars. Thus, it has benefited the peoples of all countries served by vessels that transit it, and, as required by treaty, on terms of entire equality.

The people of our great Nation have every right to feel proud of their part in building the Panama Canal and in its subsequent operation and defense. But they should never forget that the dream of it traces back to the age of discovery.

Cortés, under instructions in 1523 from Charles V, of Spain, to find a passage from Cadiz to Cathay, started explorations. The first plan for the Panama Canal was prepared in 1529 by Alvara Saavedra and, by 1530, opinion was well crystallized on the four major route areas—Panama, Nicaragua, Darien, and Tehuantepec. All of this was more than four centuries ago.

Long before the North American Revolution and the wars of liberation in Latin America, the idea of an isthmian canal had become an ancient historical conception, familiar to many leaders of the Western Hemisphere. No better expression of its significance can be found than that of Simón Bolívar, who, in 1815, declared: "That magnificent portion (of America), situated between the two oceans, will in time become the emporium of the universe. Its canals will shorten the distances of the world, and will strengthen the commercial ties of Europe, America, and Asia."

VALEDICTORY

Finally, fellow students, many of you here today are looking forward to the time of your graduation and pondering whether the future will offer you challenging opportunities. I say to you that there is no limit to such opportunities, but they will come only to those who are prepared to seize them and are willing to accept the inevitable responsibilities involved.

REMARKS OF JULIA DORSEY REED ON UNVEILING OF BUST OF CAPTAIN DUVAL

Members of the faculty, special guests, and students of Woodrow Wilson High School, in the original arrangements for today's student assembly, it was planned for Ross R. Williams, of Winsted, Conn., the sculptor and donor of the bust of our speaker, to address us and to unveil his own creation. Unfortunately, serious illness in his family has prevented him from leaving his home and he has requested me to act for him.

Who is Mr. Williams? A native of Philadelphia, Pa., with southern ancestral lines, he is a graduate of the Wharton School of Finance, University of Pennsylvania. Entering the Navy during World War II as a young officer, he was eventually assigned to the Canal Zone at Balboa and worked closely with our speaker during the time the latter was making some of his important researches on the operational problems of the Panama Canal.

Highly gifted in sculpture, Mr. Williams found the head and face of our speaker as offering a challenge for portrayal. Starting on his task in his spare time early January 1944, he completed the bust in March, almost at the same time that Captain DuVal was finishing his basic canal studies. These facts make the bust a unique gift with historical significance for which, on behalf of the Woodrow Wilson High School, I express our fullest appreciation.

Leaving the service after the war, Mr. Williams entered business in New York and founded the R. R. Williams Co. of which he was president, and later relocated in Connecticut. He has been widely hailed as a worthy subject for a modern Horatio Alger.

On behalf of the sculptor, Ross R. Williams, of Connecticut, I now unveil the bust of our distinguished alumnus.

CUBA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Hampshire [Mr. WYMAN] is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, I address myself, briefly, to a matter that seems to

me at this hour to be of genuine urgency. This is the security of this hemisphere.

No matter what the President may have said, or his brother for that matter, it requires no Senate or House investigation to realize that without inspection we do not know what missiles have been removed from Cuba. Nor, for that matter, do we know what has been brought to the island since the so-called blockade was lifted. Nor, while I am on the subject, did we actually board and search any Communist vessels while conditions of quarantine were imposed.

Mr. Speaker, in my opinion the existing situation in Cuba is intolerable from any American point of view. Until we take a look—and keep looking—on the ground and underground in Cuba, not merely by aerial surveillance, we cannot and do not know the actual potential to harm our people that exists in Cuba.

I have long urged that our foreign policy should once again invoke the Monroe Doctrine with teeth in it. Atomic destruction can be launched from MIG's, not alone from guided missiles. Even were we to assume that the Communist ego-maniac who now professes to head Cuba were never to launch an atomic weapon, the existence in Cuba of enemy air forces and Soviet submarine technicians constitutes aggression in this hemisphere. The island is so close to our shores that detection of even low-flying aircraft carrying horribly destructive weapons would lack those precious minutes needed to scramble our own Air Force to the air.

Mr. Speaker, we have just got to take a look in Cuba—and keep looking. Not the United Nations, but the United States and the United States unilaterally if need be.

Our very survival may depend upon this—not to mention the respect of the rest of the free world.

I do not understand what manner of influence within the executive branch of our Government, be its source the Department of State or otherwise, has caused this Nation to allow a Communist squatter tyrant to bulldoze the United States, to imprison our citizens, to kill and enslave innocent peoples, to establish a military potential against our country on our soft underside, astride the Panama Canal, and all as open agent of an enemy power that seeks to destroy the United States.

Can it be that some who have the President's ear continue to tell him that if we are nice to Communists they will be nice to us? What nonsense is this? What sheer folly for America.

Yet we know that at a time when the President knew full well that we were moving toward decisive action in Cuba he went to Indiana and in a political speech attacked Senator Homer Capehart for urging the very same thing. Is there no limit to political chicanery? Mr. Speaker, this is a tremendously serious matter. Security does not lend itself to partisan politics.

We must not allow the U.S.S.R. to further exploit the military advantage of Cuba's geographical location. Firmness is sorely needed now—for ourselves and for our children to follow us.

In the name of honor, of principle, of commonsense, of national security, of territorial integrity, Mr. Speaker, let us be on with what we know has to be done in Cuba. Let us demand immediate and continuing ground inspection by the United States. If refused, let us achieve this necessary protection by force if need must be.

Above all, let there be an end to this administration's practice of playing politics with America's survival.

U.S. PORTS SHOULD BE CLOSED TO ALLIED SHIPPERS TRADING WITH CUBA

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Florida [Mr. ROGERS] is recognized for 10 minutes.

Mr. ROGERS of Florida. Mr. Speaker, during the closing days of the 87th Congress we were all alarmed at the intensified Soviet buildup which was underway in Cuba. On September 20, 1962, I urged that the United States take affirmative action in dealing with those allies shipping to Cuba by closing U.S. ports to them. Shortly after the date of my request, I was gratified to see the State Department announcement that plans were underway to close U.S. ports to free world shipping interests engaged in Cuban haulage, and that my recommendation prohibiting American goods such as Public Law 480 surplus foods would not be allowed as cargo on these vessels. It was understood at the time the announcement was made that the port ban would go into effect in a matter of weeks. Then Congress adjourned. Now, some 3 months later, the State Department advises me that action on this plan has not yet been taken.

The events which followed during the missile crisis this past fall gave proof that the United States was determined to hold a firm policy on Cuba. These same events also created serious hazards for any shipping in Cuban waters, and this traffic diminished.

However, recent reports are that there may be another Soviet buildup in Cuba. Since November 20, the date of the U.S. naval blockade was lifted, more than 30 Communist-bloc ships have arrived in Cuba to unload cargo. Furthermore, I am advised that some 20 ships from outside the Communist bloc also delivered cargo to Cuba during the period from November 20 to December 15. Mr. Speaker, this represents a period of not quite 4 weeks in which the number of Allied vessels trading in Cuba equals 40 percent of the total.

During the last weeks of the Congress an investigation into the general problem of free world shipping to Cuba was held by the House Select Committee on Export Control. That investigation yielded a direct relation between Allied shipping to Cuba and the transformation of that island into a military base by the Soviet Union. The Communist merchant fleet is limited in size. By chartering Allied hulls for nonmilitary shipments, the Soviets were thus able to assume the total burden of militarization themselves. This same principle applies now.

The crisis which the President thrust before the world on October 22, 1962, when he moved to protect the security of this hemisphere served not only to impress the Soviets with the seriousness of U.S. intentions, but impressed the rest of the world as well. Almost overnight those Latin American nations who were our true allies came quickly to support this Nation. They realized that the presence of Soviet equipment in this hemisphere posed a serious threat to their security as well as ours. Now that our Latin American neighbors have seen the treachery of the Communists, I am hopeful that measures will be taken in the Organization of American States to further isolate Castro with economic boycott and other forms of separation from our community of nations.

I further hope that those nations in other parts of the world will support the United States in its efforts to isolate Castro. Hopefully, there will be no repetition of last year, when our friends tainted our friendship for cargo fees which amounted to not more than 1 percent of the total world's shipping.

Mr. Speaker, the United States should act now to close its ports to any shipping engaged in traffic with Cuba. Not only would such action serve to remind the world that the United States has not altered its previous position, but denying these ports would further prohibit American cargoes from financing part of the voyage.

In addition, barring U.S. ports to Cuban trade vessels would deny them Public Law 480 cargoes. There is no justification for U.S. taxpayers supporting any vessel which traffics with Cuba. Each year the United States generates exports of millions of dollars worth of subsidized surplus foods. In fiscal year 1962 the U.S. Government exported $1.5 billion worth of these foodstuffs. The total amount of Public Law 480 exports equals $9.1 billion since the program was started some 8 years ago. Mr. Speaker, as you can see, these exports represent a sizable amount of business for the world's shipping interests.

I am informed that the plan for closing U.S. ports has been completed, and is at this moment awaiting Presidential approval before being put into action. I urge that this approval be given as soon as possible in order that this long overdue ban may finally be imposed.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I am glad to yield to my colleague.

Mr. HALEY. I have just listened with a great deal of interest to the remarks of the gentleman who just spoke about the situation in Cuba. The situation is bad in Cuba. I think this Congress or some committee of the Congress should thoroughly go into the situation down there because I think there still are missile bases in Cuba. Mr. Speaker, the time to have taken drastic action and firm action in Cuba was in 1958 when certain people in our country were bringing and the news media of this country were bringing Castro to power.

They had ample warning at that time as to what the situation was. So I say, Mr. Speaker, the time to have taken action in Cuba was in 1958, 1959 or 1960 or 1961 before great powers became involved in the Cuba situation. We gave Cuba her freedom. Therefore, she in a way is our child, and we are more or less responsible for that child. So we should have taken action at that particular time. If we had done so, we would not be having this deplorable situation that we have today. I thank my colleague for yielding.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, the gentleman's suggestion that the time to have acted was in 1958 and 1959 undoubtedly was intended to leave the impression that responsibility for the situation in Cuba should be placed on another administration than the one presently in power. This subject of national security should be bipartisan, but the hour is late. We all know that although when we had cancer of a toe we might have stopped its further spread by excision, but did not. Were it then to spread to the ankle, and then threaten our knee—if before that time we know that life can be saved only by a drastic operation at the hip—we know what has to be done. We must operate.

The situation down in Cuba has degenerated to the point where we are all deeply concerned as to the nature of the operation that is needed to cure it. We cannot afford to ignore it or turn the other cheek. The Armed Forces are deeply concerned. So are our people and they would be more so if they were fully informed. We must inspect.

Mr. HALEY. Mr. Speaker, if the gentleman will yield, let me say to my distinguished friend from New Hampshire that the delegation from Florida in 1958 tried to warn this House of what was happening. We did likewise in 1959, in 1960, and again in 1961. I do not lay this on anybody's doorstep; I say that the American Congress and the American President who has the facilities to gather information should have known what was going on and should have alerted the American people and us. All one had to do was to see who that bearded deliquent down there had around him to know what the eventual outcome of the situation would be in Cuba. Despite our warnings and efforts no action was taken by the Congress or the President. I again say that we ought to take action before more powers are involved.

Today the gentleman is well aware of the fact a move by this country into Cuba could well bring on world war III. Is that what the gentleman is advocating now?

Mr. WYMAN. Mr. Speaker, I do not know what the gentleman from Florida suggests in the way of a present course of action, but it is certain that the very security and future of this country is imperiled unless we can inspect the island of Cuba and keep it under continuing inspection. If we do not inspect the island of Cuba and maintain such a careful continuing inspection, our future is imperiled. It is something which is absolutely essential for our own survival. If we do not do this now we mortgage the future of all of our plans and operations. I suggest that the course of action which I have today recommended is sound. It is constructive. It is not territorial acquisition but merely continuing physical onsite inspection. The hour is late. It is no answer to say that certain great powers or certain great risks are involved. We must insist upon inspection now—facing as we are, a rapidly deteriorating situation in Cuba. Such firmness will not mean war—but continued American weakness surely will.

Mr. ROGERS of Florida. I may say we must take steps that can bring positive results. We would all like to do certain things. Of course risk is involved. But I do think closing American ports can bring positive action, something we can do and bring about some real results immediately.

TALKING BOOKS PROGRAM EXTENDED TO QUADRIPLEGICS AND THE NEAR BLIND

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, one of the finest programs of the Federal Government in cooperation with our State governments is the talking books program. Under this program, blind persons are able to be entertained, informed, and educated. For the Federal Government, this program is administered by the Library of Congress Division for the Blind.

Last year I introduced a bill to extend this service to persons who have lost the use of or lost all four limbs. This would afford such persons, who must be immobile in many cases, the advantages of keeping up to date on our literature, of learning more about current events, and of being entertained by books new and old. The Library of Congress, in reporting to the House Administration Committee, was generally favorable to my bill, although there was a recommendation from the Division for the Blind that it might also include persons who are not totally blind but who are unable to see well enough to read.

This suggestion has much merit, but there is also the difficulty of determining just where to draw the line for purposes of legislation. Through its chairman, the gentleman from Texas [Mr. BURLESON], the House Administration Committee has asked the National Institutes of Health to draw up such guidelines as necessary. Work is going forward in this regard.

Interest in extending the talking book program has also been shown in the other body, especially by the Senator from Texas [Mr. TOWER]. In the last Congress, he introduced legislation to extend this program to persons who have lost the use of both arms.

I am today introducing a new bill to extend the talking books program to include both persons who have lost the use of all four limbs or have lost all four limbs—quadriplegics—and to persons who have sight defects and are unable to see well enough to read. A precise definition and guidelines in the latter group will have to await a completion of studies by the National Institutes of Health.

I have been most encouraged by the interest shown by the chairman of the House Administration Committee and by members of the committee. I am hopeful that a meeting of minds will be possible and that the talking books program may be extended to other persons who have a real need for it.

Under the talking books program, the Federal Government provides record players for the homes of the blind. Blind persons then periodically select books which they want to "read" and records are sent to them containing recordings of someone reading the books aloud. The distribution is carried out by State and private nonprofit groups. Under this program, the blind are able to "read" new books and old favorites, and relatives and friends are relieved of the duty of reading aloud.

POST OFFICE DEPARTMENT

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. SNYDER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SNYDER. Mr. Speaker, under leave heretofor granted to extend my remarks, I wish today to address myself to a matter which is of much concern to me.

Since my election on November 6, 1962, I have found the various agencies and departments of the U.S. Government to be most cooperative and helpful to me in my endeavor to understand the great problems that confront the world today and in my effort to be of service to my constituents in the Third Congressional District of Kentucky. There has been only one exception to this that I consider to be of sufficient concern to merit the attention of this body. And in this connection let me say that this is not an endeavor on my part to change the decision of the department involved, but merely an endeavor to get the facts upon which that decision was based so that I might report to my people. This is not a matter of national security. There is absolutely no reason why the facts upon which the decision was based should not be given to the duly elected U.S. Representative of the area involved.

Mr. Speaker, on November 21, 1962, I wrote to the Post Office Department in Cincinnati asking that they furnish me with a résumé of the facts in regard to

the location of a branch post office known as the Iroquois station in south Louisville. That letter was answered on November 27 but no résumé of the facts was given and I was advised by that letter signed by Mr. R. D. Dyson that no decision had been made in regard to the location of that branch. Thereafter I received a good many phone calls and was advised by letter of the action of the Beechmont Civic Club wherein they went on record as opposing the removal of the Iroquois branch post office from its present location to another area. I do not know whether the post office should be moved or not, and even with the facts, will not be able to say because I am not an expert in this field.

As a result, on November 29, I again wrote Mr. Dyson in Cincinnati and requested that I be permitted to examine the file on this matter either in Washington or Louisville and gave him my schedule at both places. On December 6, I received a letter from Mr. Dyson's secretary advising me that Mr. Dyson was out of town and would return on December 10, at which time my letter would be referred to him. That letter remained unanswered and on or about December 21, I was advised by the people in the area of the Iroquois post office branch that a decision had been made to move the post office. On December 21, I wrote again to Mr. Dyson, pointing out that my letter of November 29 remained unanswered; that he had not extended to me the courtesy of advising me that they had reached a decision in this matter and that I still desired the facts so that I could report back to the Beechmont Civic Club and the other people involved. On January 2, I received a letter from Mr. J. P. Nolan, Regional Director of the Post Office Department in Cincinnati, indicating that he was advising his assistant that I desired to talk to him about this matter. I still have not heard from the assistant despite the fact that on January 7, 1963, I wrote to Mr. Nolan with a copy of that letter to Mr. Fred Belen, the Assistant Postmaster General, wherein I reiterated the fact that I was not trying to influence anyone's decision, but only wanted the facts so that I could respond to the people of my district and furnish them with the Post Office Department's alleged justification for the move.

Mr. Speaker, it has now been 21 days since my January 7 letter and it has been a month and a half since the Post Office Department's decision, and I still do not have any information to furnish to the people of my district, nor has Mr. Nolan or Mr. Belen replied to my letter of January 7. I wish to state here and now that if the Members of Congress are to be of service to their constituents, then the Post Office Department will have to be as cooperative as the rest of the departments of the Government are. I would suggest, Mr. Speaker, that the Post Office Department might consider the fact that they, like we, of this House, are employees of the people and are servants of the taxpayers and that this hoax called civil service does not render them immune from the duty to respond to the inquiries of taxpayers and their duly elected Representatives.

THE PRESIDENT'S FISCAL 1964 BUDGET MESSAGE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CURTIS. Mr. Speaker, President Kennedy has called his estimated fiscal 1964 budget deficit of $11.9 billion a "temporary deficit" and an "investment in the future." A look at the recent past gives us little confidence that under this administration our deficits will be either temporary or serve as a useful investment in the future.

The history of the Kennedy administration is a history of persistent and ever-increasing Federal expenditures and budget deficits. From fiscal 1962 through the estimates for fiscal 1964, deficits will total about $27 billion, or about $5 billion over the total net deficit of the 8 fiscal years of the Eisenhower administration.

In spite of the theories about the beneficial effects of budget deficits, experience shows that this kind of investment has failed to bring about the Kennedy administration's goal of a faster rate of economic growth.

Based upon the pattern of recent years, it would be surprising if the $11.9 billion estimated deficit were not considerably higher by the end of the fiscal year. The President's estimated deficit is based upon highly favorable and "iffy" assumptions, both as to the stimulative effects of the tax cut and to new legislation, particularly in agriculture, which the administration intends to request.

The administration's excuse for its rising expenditure level—which next year will exceed spending at the peak of World War II—is that a large part of the increased spending has been devoted to our defense and space efforts. This raises the question whether we can build a sound defense and meet our other obligations as a great power on the basis of a policy of dangerous fiscal irresponsibility. Defense and space should not become sacred cows. The very rapidly rising level of expenditures in these areas should be subjected to the closest examination in order to insure that we get the most from our defense and space dollars. Unless this is done, programs may expand too fast and result in waste, which in the final analysis may slow our progress in space and impair our national security.

The President's claim that civilian expenditures next year will be below this year's level is somewhat misleading. Agricultural expenditures are shown dropping by about $1 billion next year, a hoped-for decrease which will permit increases in almost all other civilian programs. Although spending on agriculture is supposed to decline, the administration will be asking for a sharp jump of $1.4 billion in new obligational authority for agricultural programs—or slightly more than new obligational authority being asked for the Department of Defense. Health, Education, and Welfare is asking $1.7 billion in new obligational authority. This is the real test of the Kennedy administration's budget, since new obligational authority is an indication of what future expenditures will be. The fact is that the administration is not holding the line on civilian expenditures, but is steadily increasing them, even while asking for a tax cut which will reduce Federal revenues.

Under unanimous consent, I include an article from the Wall Street Journal of Monday, January 21, discussing the trends in spending as indicated in the 1964 budget, in the RECORD at the conclusion of my remarks:

SMALL INITIAL OUTLAYS PROMISE STEEP RISE IN FEDERAL GOVERNMENT'S FUTURE SPENDING

(By Lindley H. Clark)

WASHINGTON.—Once the economy really gets rolling, the administration believes, it will generate big increases in revenue, even at reduced tax rates. And, the argument continues, spending won't be allowed to rise as fast as revenue, so at some point—perhaps as early as fiscal 1966—the deficit will be eliminated.

But if this is to happen, according to many people here, the tax take will have to climb sharply if it is ever to overtake the spending envisioned by the administration.

The evidence of this comes in part from comments of officials who've had a hand in preparing the budget for fiscal 1964. In putting together that bulky document, says Budget Director Kermit Gordon, a large number of worthwhile projects were canceled or deferred, so that the spending requests of the various agencies were scaled down by $7 or $8 billion. But past history suggests that the deferred projects will be back on the tracks before long.

COSTS ARE CLIMBING

The bulk of the evidence is in the budget figures themselves. Consider first some of the projects that have been around for a while. Whatever the worth of many of these programs, there's no doubt that costs are climbing fast.

Outlays for the activities of the National Aeronautics and Space Administration for fiscal 1964, for instance, are estimated at $4.2 billion, more than triple the figure for the year ended last June 30, and no slowdown is even remotely in sight. For the year beginning next July the administration wants congressional permission to commit the Government for $5.7 billion of future outlays.

Some of this new obligational authority—NOA in Federal lingo—will be used in fiscal 1964, but a lot of it is for spending beyond that year. In some cases, the NOA figures point to trends quite different from those shown by spending estimates.

Foreign aid is one example. Actual outlays under this program, which has been coming under increasing congressional fire, are estimated at $3.7 billion for fiscal 1964, down $100 million from the year ending next June 30. But the NOA figure heads upward. For next fiscal year it comes to $4.9 billion, up more than $1 billion from the amount for the 12-month period.

The statistics on Federal spending on agriculture paint a similar picture. Outlays in the fiscal year just ahead are estimated at $5.7 billion, surely a sharp drop from the anticipated total of $6.7 billion for the current year.

Although the saving may be illusory—the Government hopes to sell off next year a lot of cotton it expects to take into the price support shelter this year—economy advocates may still find some comfort in the bare figures. At least there may be a bit less money going out. But the NOA figure tells a quite

different story: For fiscal 1964 it's $7.2 billion, up more than $1.5 billion from the current year.

TOTAL REQUESTS RISE

Nor are these activities the exceptions. Throughout the Government, agencies are seeking Congressional go-aheads for sharply increased amounts of spending. Total new obligational authority sought for fiscal 1964 adds up to $107.9 billion, $4.7 billion above the current year and around $15 billion over the figure for the year ended last June 30.

Another good gage of future spending trends is the figure for new commitments under Government credit programs. These commitments result when the Government either agrees to make direct loans or to insure or guarantee repayment of loans advanced by private lenders. The budget document declares that "new commitments are the best single measure of the trends in most Federal credit programs."

With that in mind, perhaps we shouldn't pay much attention to the fact that actual budget outlays under Federal credit programs are expected to drop to $1.2 billion next year, down from $2.7 billion in the current year. For one thing, that drop would result partly from the Commodity Credit Corporation's hoped-for sell off of cotton. For another, it would stem to some extent from expected sales to private lenders of loans now held by the Export-Import Bank, the Federal National Mortgage Association and some other agencies. Nobody in Government seems to worry for a moment that the private lenders may not be eager to buy.

Most important, however, is that figure on new commitments. For fiscal 1964 it's expected to be $27.5 billion, up $1.4 billion from the year ending June 30. And lest anyone console himself with the thought that the Government may not have to make good on loan insurance and guarantees, it is perhaps worth noting that well over half of the projected increase is in direct loans.

Moving on from current programs into those that exist now only on paper, the portents are equally clear.

It may be, as President Kennedy says, that all the proposals for new programs have been culled carefully to set aside all but those which "represent a necessary payment on future progress and should not be postponed." But it is clear that all of the things which wound up in this select category will be expensive.

They will not be so expensive in fiscal 1964, of course; Government programs have a way of starting slowly, however big they eventually may turn out to be. But both the broad scope of these programs and, in some cases, the spending authority already being requested show that bigger outlays are expected.

Perhaps the most striking example is Mr. Kennedy's projected new program in education for which he says, "The Federal Government can provide only a small part of the funds."

As Government figures go, it's true that the proposed 1964 outlays for the new education program look fairly small—only $144 million. But for the same fiscal year the administration is seeking new obligational authority totaling $1.2 billion.

A BROAD PROGRAM

And though the details of the program remain to be spelled out in a forthcoming special message, there's nothing small or temporary-sounding about the general aims outlined in the budget. The program, the budget says, will seek "the (a) buttressing of research in education and improvement of course content, (b) expansion and improvement of teacher training programs, (c) improvement of community library services for people of all ages, (d) and strengthening of public elementary and secondary education. Very little, it would seem, is being overlooked.

The President is also proposing again a program to "revitalize" urban mass transportation. The projected outlay for fiscal 1964 looks modest: A scant $10 million. But the administration also is asking the right to spend $500 million on the program over the ensuing 3 years.

Though the figures on public housing spending already show a steady rise, the budget suggests more may be coming. It talks of studies under way and studies yet to come on how to "improve" Federal housing programs. Whatever "improve" may mean to anybody else, to a Government man it's likely to mean more money.

The list could be stretched onward a great deal further. Proposed legislation for hospital construction calls for 1964 outlays of only $5 million but new obligational authority of $35 million. A proposal for medical education assistance lists 1964 spending at $9 million but asks for a go-ahead on a total of $34 million. The pattern elsewhere is much the same.

What the pattern shows is not necessarily that we won't ever achieve a balanced budget. Someday we perhaps will. But few readers of Mr. Kennedy's new budget would see it as a guidebook on how to get there.

QUESTIONS ARE GOING TO BE ASKED

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, one way or another, questions are going to be asked—sharp, prying, relentless, embarrassing questions. They are going to be asked in this session of Congress, by Democrats and Republicans alike, about Cuba, about the incredible blunders under both administrations, about where we now stand, and about the dangers ahead.

These questions may be asked in House or Senate hearings specifically authorized for that purpose. They may be asked of top, key officials during routine appearances before committees of Congress. They may be asked in House or Senate floor debate. But they are going to be asked. And they had better be answered—frankly, fully, truthfully. The American people are entitled to those answers if for no other reason than the fact that they have been greatly imposed upon.

They were misled and lulled into accepting Castro as non-Communist.

They were shamed by the Bay of Pigs blunder and by the ransom methods used to redeem the captives and relieve some guilty consciences.

They are disgusted by the hypocrisy of the Attorney General who recently praised the President for taking the responsibility for the failure and, in the next breath alibied, "The President inherited people with major reputations and he accepted their advice."

They are disillusioned, after the momentary October 22 posture of courage and boldness, by the willingness to offer a no-invasion pledge and the failure to hold out for on-site inspection.

They know the President has abandoned the Monroe Doctrine.

A vengeful, righteous, public wrath would be sufficient reason why there should be questions—and answers.

But there is an infinitely more important reason. The overriding necessity for a thorough investigation relates, not to past blunders, but to present and prospective perils, and our will and capacity and plans to deal with those perils.

I have been told that the Nation was only 12 days from disaster at the time of the October nuclear buildup. How did we come that close to catastrophe? What lessons have we learned and are we applying to assure that this—or worse—does not happen again?

The Attorney General has acknowledged that Cuba "poses a great danger" as a base for subversion and sabotage throughout the hemisphere. What plans or programs have we for eliminating that activity and that base?

Currently there are reports of a new military buildup in Cuba, with the admitted continued presence there of Soviet troops. Or perhaps those troops have now reverted to the status of "technicians." Are congressional efforts to get the facts about these reports going to receive the same bureaucratic brushoff similar inquiries received prior to October 22?

The answers to these and other equally urgent questions will, of necessity, involve a post mortem on past blunders and the whole sordid story which began with the hasty recognition of Castro's regime.

But not just for the sake of conducting a post mortem.

If we persist in blundering along in this life-and-death struggle, we can come to the ultimate blunder and the ultimate defeat. If that occurs there will be no one to conduct the final post mortem except the victorious enemy—and he will have no need for it.

THE KAISER STEEL CORPORATION AND THE UNITED STEELWORKERS OF AMERICA

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SHEPPARD] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, I bring to the attention of my colleagues an event that took place in my district in California that may well open a new era in labor-management relations in this country.

I refer to the action taken by Kaiser Steel Corp., and the United Steelworkers of America in recommending a long-range sharing plan to the employees of Kaiser Steel. The plan is designed to do away with the threat of strikes every 2 or 3 years on economic issues of wages

or benefits. It is also designed to protect employees against job loss or income loss because of automation. I am able to report that the plan was voted on by employees on January 11 and accepted by a three to one majority. The plan will go into effect March 1, 1963.

If I may say so, acceptance of such a plan by the employees, the company, and the union is encouraging in a land too often turbulent with industrial uncertainties, disruption of production, and economic harm to families and companies throughout the Nation. It should encourage us to keep searching for similar solutions to industrial unrest, whether arising on the waterfront, in the factory or business house, and particularly in defense or defense-related programs.

My interest in Kaiser Steel and its steelworker employees goes back to the early days of World War II when I was privileged to help Henry J. Kaiser locate his steel plant at Fontana, Calif. It was wartime and the West needed steel for ships. Mr. Kaiser had started building ships on San Francisco Bay, first because the British were losing ships faster than they could get them, and then because the United States got into the war.

The Government said any new defense plant must be located at least 60 miles inland, and I knew that Fontana had much to offer. It was rural. There was room. There were three railroads—Southern Pacific, Santa Fe, and Union Pacific. There were people. Even with the surrounding towns, though, there were not enough people. Kaiser Steel hired everybody who could do anything. Kaiser Steel went back east to Pittsburgh and other steel centers and hired others with know-how who wanted to try mixing orange groves and steelmaking. What this huge facility has done for the Fontana area can be indicated by a few figures. The gross payroll paid to employees in some 15 surrounding communities came to $60 million in 1962. Approximately 8,000 workers at Fontana share in this payroll.

By war's end, the plant had produced over half a million tons of plate for vitally needed ships, steel for artillery shells, and steel for our allies. Postwar, the plant expanded rapidly. The initial $50 million war facility grew into today's half-billion-dollar enterprise, now serving the needs of the growing West from its 3-million-ton-ingot capacity.

The sharing plan I call to your attention today is another testimony to the vigorous approach of the Kaiser organization in solving problems wherever they occur—whether in production or in the vital area of industrial relations.

After the disastrous 1959 steel strike, Edgar F. Kaiser, chairman of the board of Kaiser Steel Corp., and David J. McDonald, president of the United Steelworkers of America, determined to find a solution to this ever recurring problem. As Mr. Kaiser said then:

> The necessity of revising the present system of adjusting individual income under union contracts is obvious. All parties are injured economically by strikes. Relations between labor and industry are strained during the periods of negotiations. The interests of the public, labor, and the companies are the same. The answer is neither obvious nor easy. It is our common duty to find one.

Agreement was reached by the two leaders and the employees of Kaiser Steel returned to work under terms of a contract that contained a revolutionary idea in the area of modern labor-management relations. Representatives of the public were invited to form a tripartite committee made up of three company, three union, and three public members. Purpose of this committee was to establish a long-range plan for equitable sharing of the company's progress among stockholders, the employees, and the public. The plan was to eliminate drawn-out negotiations and the threat of strike deadlines over wages and benefits that plagued the industry in the past. The plan was also to provide protection to employees against loss of employment or income because of automation or new technologies.

The committee is chairmaned by Dr. George W. Taylor, professor at the University of Pennsylvania. He is assisted by public members David L. Cole and Dr. John T. Dunlop. All three of these eminent citizens are well known to Congress for their many years of service on Presidential committees.

Assisting Mr. McDonald was Arthur J. Goldberg, now a member of the Supreme Court, whose place is now taken by Marvin J. Miller, special assistant to Mr. McDonald, and Charles J. Smith, director of the west coast area for the United Steelworkers. Assisting Mr. Kaiser are E. E. Trefethen, Jr., vice chairman of the board, and C. F. Borden, executive vice president for Kaiser Steel Corp.

First, let me relate the practical benefits provided employees, the company, and the public as envisioned under the plan.

The employees have been put on a "get paid as you earn" basis, similar to the Government's "pay as you go" tax plan. Employees do not have to wait 2 or 3 years for productivity or other determinations to be made before receiving wage or benefit increases, always with the ever-impending threat of strike or lockout. Under the plan, productivity and any other efforts of employees to reduce manufacturing costs are measured monthly. Employees are paid 32.5 percent of such savings in the form of extra pay each month.

Also, employee jobs and employee income are protected by establishment of an employment reserve or pool where employees displaced by automation are engaged until assigned to another appropriate job.

Both of these radical changes are being made without destroying seniority or other rights bargained for under the existing contract.

As to benefits for the public—the public is freed from the effects of strikes or lockouts suffered in breakdowns of previous negotiations. It gets the benefits, direct and indirect, that will result from the efforts of the employees and the company to reduce costs and keep steel prices competitive with those of both domestic and foreign competitors. The public also benefits from increased taxes made possible by such internal savings generated in reducing costs.

The company and stockholders, of course, directly benefit from the cooperative efforts of all to reduce costs and maintain a better position competitively; from the company's ability to install with the cooperation of employees and the union the best of technological improvements and automation; and from the company's ability to plan ahead for customers and community alike without concern for strikes or lockouts. These are the general benefits envisioned by the plan.

More importantly to the broad picture, the plan has purposes that go beyond the equitable sharing of economic progress made by the company, and such important matters as employment and income security for employees. It also concerns itself over the matter of survival of the bargaining rights of employees, of the survival of the bargaining freedom of companies and union organizations under the free enterprise system as we know it now.

In this regard, the invitation to have public members join the long-range committee in developing this plan was one of the most positive steps taken by industry and labor in recent years to help stop the growing tide of Government regulation that could well restrict employee freedoms, as well as the freedom of companies and unions to bargain. This tide was created more by the unawareness of industry, unions, and other associations of the increasing need to regulate themselves in the public interest than by any desire of the Government to do more regulating. In fact, the Government itself, as well as many other industries today, has formed committees represented by members of industry, labor, and the public in order to be sure the public interest is being carefully considered and served before final decisions are made in labor negotiations—with a view to avoiding Government regulations.

The long-term objective of the committee in designing this sharing plan was to put into parallel the three forces of company interest, labor interest and the public interest for achieving industrial peace, a goal essential to domestic progress and more essential than ever before for strengthening the Nation's position in the world economy.

In speaking of the successful outcome of employee voting for this plan, David J. McDonald said:

> It is significant also that this pioneering venture has been accomplished without government pressures of any kind. We think that this offers incontrovertible evidence that no punitive laws or restrictive controls are required to resolve the common problems of labor and management in the best interest of the principals, the public, and the Nation.

I may add here that the plan calls for a continuance of such a long-range committee with its public members to stand by to advise, recommend or arbitrate as called for under terms of the agreement.

For those of you who wish more detailed information on the plan, I am

offering a summary of the plan for inclusion in the RECORD. My purpose here today is to bring to the attention of my colleagues this event that took place in California between the Kaiser Steel Corp. and the United Steelworkers of America, involving acceptance of a plan by employees that promises well to become a source of encouragement for all in industry to search new ways to industrial peace that will work for their particular enterprise and will be of benefit to this Nation and the free world.

The summary follows:

LONG-RANGE SHARING PLAN

(Announcement by members of the long-range committee, Kaiser Steel Corp. and the United Steelworkers of America, AFL–CIO, December 17, 1962)

The long-range committee of Kaiser Steel Corp. and the United Steelworkers of America, AFL–CIO, today announced their recommendation of a plan for equitable sharing of economic progress by employees, the company, and the public.

The plan has been accepted by officials of Kaiser Steel and the international union. It will become effective only with approval of employees represented by the union at the Kaiser Steel plant in Fontana.

Announcement was made at a public meeting by Dr. George W. Taylor, chairman of the committee, by David J. McDonald, president of the United Steelworkers of America, AFL–CIO, and Edgar F. Kaiser, chairman of the board of Kaiser Steel Corp. The meeting was held at Swing Auditorium on the Orange Show Grounds, San Bernardino, Calif., and was attended by several thousand employees and their wives and husbands.

COVERAGE OF USWA EMPLOYEES

The plan will cover all Steelworkers Union employees at the plant, including some 6,500 members of the Production and Maintenance Local No. 2869 and 500 members of Clerical and Technical Local No. 3677, employed at the Fontana steel plant.

PROTECTION AGAINST AUTOMATION

The plan provides protection against the loss of employment because of any technological advance (automation) or new or improved work methods, and also against the loss of income that an employee might otherwise suffer because of such changes. Appropriate protection is provided against loss of opportunity for employment for all reasons except a decrease in the production or demand for finished steel products, a change in products, and the like. Protection against unemployment for such reasons is already provided by the supplemental unemployment benefits plan and other provisions in the existing collective bargaining agreement.

MONTHLY SHARING OF SAVINGS

The plan provides for a monthly sharing with employees of all savings in the use of materials and supplies, and from increased productivity of labor. The sharing takes place whether the increased productivity comes about by direct effort of employees, by the use of better equipment, newer processes, better materials, or through improved yields. Formula for sharing provides that about one-third of any dollar gains made under the plan will be shared by employees. The balance is shared by the company and by the public through taxes. The plan is not a profit-sharing plan—the amount of sharing is not dependent in any way on the level of company profits.

MINIMUM GUARANTEE

The plan guarantees that the employees will receive, as a minimum, any economic improvements which may be negotiated in the future in the basic steel industry. This provision is essential in order to encourage full employee participation and to obtain the maximum benefits from the use of technological improvements, including automation. The parties are confident, however, that this minimum guarantee always will be exceeded because the employees' share of economic gains generated by the plan will be greater than the gains that might result from periodic negotiations between the union and the industry generally.

INDUSTRIAL PEACE

The plan will do away with contract deadlines with respect to economic issues and will contribute greatly to the objective of industrial peace. Normal collective bargaining procedures are retained with respect to all other matters.

RESULTS OF 3 YEARS OF STUDY AND RESEARCH

The plan was developed during nearly 3 years of joint study by long-range committee members and staffs of the United Steelworkers and Kaiser Steel. In addition to committee members named above, also participating in the development of the program were David L. Cole, arbitrator and former Director of the Federal Mediation and Conciliation Service, and Dr. John T. Dunlop, professor, Harvard University, as public members; Marvin J. Miller, assistant to the president, and Charles J. Smith, director of district 38 (west coast area), for the United Steelworkers of America; and E. E. Trefethen, Jr., vice chairman of the board, and C. F. Borden, executive vice president, for Kaiser Steel.

BASED ON CONTRACT OBJECTIVE

The committee dates back to October 26, 1959, when Kaiser Steel and the Steelworkers ended a 3½-month strike. At that time the company and union entered an agreement to establish a joint nine-man committee representing the public, the company, and the union, to develop a long-range plan for the equitable sharing of economic progress. It was agreed in the contract, "The formula shall give appropriate consideration to safeguarding the employees against increases in cost of living, to promoting stability of employment, to reasonable sharing of increased productivity, labor-cost savings, to providing for necessary expansion and for assuring the company's and employees' progress."

TECHNOLOGICAL PROGRESS AND PROTECTION OF WORK PRACTICES

The plan recognizes that, in a free enterprise system, economic progress can only be achieved by practical utilization of equipment and materials in order to provide good service and a consistently high quality product. It also recognizes that human values must be conserved in the production process and that the best method of achieving efficiency is by joint effort—not by unilateral change. The plan, therefore, makes no change in existing contractual protections of work practices. It provides, instead, a framework which is designed to lead to increased productivity. This framework consists of the provision for the sharing of gains of increased productivity and the guarantee, which the plan provides, against unemployment due to technological change or such changes in work practices as may mutually be agreed.

PLAN BASED ON EXISTING COSTS

Four steps were taken by the committee in order to meet the requirements for the plan. First step was to establish the present level of costs (not prices) of products that are sold at the steel plant in Fontana in terms of labor costs and material and supply costs for each ton of finished steel produced. This was done in such a manner as to recognize the differences in operating levels as well as in the amount of processing required in producing the various products made by Kaiser Steel. These factors provide the base point or standard against which future improvements in productivity will be measured.

RECOGNIZES INDUSTRY AND NATIONAL ECONOMIC FACTORS

The second step was to provide for changes in the price level of purchased materials, for safeguarding employees against cost-of-living increases, and comprehending the company's practical ability to pay. The committee chose as the most desirable method of measuring these basic factors two broad economic indexes, which include these considerations. It was agreed that the wholesale price index of industry steel prices and the Consumer Price Index issued by the Bureau of Labor Statistics would fulfill this requirement. Movements of these indexes will be reflected in the standards.

32.5 PERCENT OF GAINS SHARED BY EMPLOYEES

The third step taken by the committee was the development of a formula for sharing the improvements. The formula is simple and equitable. The employees' share of the total net dollar gains generated under this plan is 32.5 percent. This sharing relationship is consistent with the past ratio of labor costs to total manufacturing costs at Kaiser Steel.

MONTHLY SHARING BY EMPLOYEES

Finally, the plan provides distribution of the employees' net share in the gains on a monthly basis. The plan thus offers employees potential new sources of income by sharing savings as they occur during the actual course of production. It also permits the parties to agree on the use of a portion of the gains produced by the plan for making improvements or adding to insurance, retirement, vacation, holiday and other benefits not provided generally in the industry. The remaining net gains will be distributed in paychecks directly to the employees each month as an addition to their regular pay.

ALL MAY SHARE

The plan provides that, even after the sharing plan is installed, incentive coverage will continue for employees now working on incentive. Employees not now covered by incentives (about 60 percent of total employment) will participate in cost savings, in addition to their regular pay, through the receipt of payments under the long-range sharing plan.

SHARING BY INCENTIVE EMPLOYEES

Employees now on incentives may transfer to the long-range sharing plan in a variety of ways.

1. The employees on any incentive plan may decide, by majority vote, to cancel the existing incentive and transfer to the long-range sharing plan.

2. When the company so offers, the employees on an incentive plan may decide, by majority vote, to accept a lump sum payment roughly equivalent to 2½ years incentive earnings and to participate in the long-range sharing plan. If the employees reject the lump sum payment, present incumbents will continue to receive the same incentive earnings as in the past, through conversion of such incentives to plans paying no more than 35 percent and differential payments to equal prior earnings. Any savings made by the company as a result of the acceptance of lump sum payments, or as a result of the elimination of incentive earnings for new employees, will be added to the overall employees' share under the plan.

3. Incentive employees who are not offered a lump sum payment, and who do not elect to transfer to the long-range sharing plan because their incentive earnings exceed the shares payable under the plan, will continue on incentive and, after 2 years, will also participate, on an adjusted basis, in the long-range sharing plan.

IN KEEPING WITH BASIC AGREEMENT

The committee said this long-range sharing plan is in harmony with the spirit and intent of the basic labor agreement. It provides a motivation for insuring the future economic progress of the company and its employees, and at the same time, preserves the normal union and company roles.

MEMBERS TO VOTE ON PLAN

The plan is in the process of being printed and will be distributed to the membership as soon as practicable. In the meantime, the company and the union have arranged to conduct briefing sessions for both union members and management personnel on details of application of the plan. Voting on the plan by union members will take place after these sessions.

The plan would be effective for a 4-year period, subject to review and revision by the company and the union annually. The plan can be terminated by either party on 4 months' notice, following the fourth anniversary date of the plan.

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. YOUNGER. Mr. Speaker, I am pleased that our colleague, the gentleman from California [Mr. SHEPPARD], has so well described the new labor relations agreement between Kaiser Steel Corp. and the United Steelworkers of America.

It is one of the first, if not the first, labor contract which takes into consideration the public interest by recognizing a public board. Recently, Dr. Clark Kerr, president of the University of California, in speaking before the San Francisco Rotary Club said:

In the period, 1963–93, I urge and see more trilateral agreements and I advise that in order to achieve industrial peace and resultant economic growth of our Nation, that we exercise our initiative in developing means and procedures for dispute settlements which will further the interests of labor, management, and the public and will not be those suggested or imposed by National Government.

Dr. Kerr has a long and successful record in the labor-management field as Board member and as arbitrator, and it is interesting to find this new Kaiser agreement follows the findings of Dr. Kerr.

ADDRESS BY HIS EXCELLENCY, THE MOST REVEREND ROBERT E. LUCEY, ARCHBISHOP OF SAN ANTONIO

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I recently had the privilege of reading an address by His Excellency, the Most Reverend Robert E. Lucey, Archbishop of San Antonio, which he gave in response to his receipt of the first annual Max Nathan Award of the Houston chapter of the American Jewish Committee. Archbishop Lucey spoke of the intolerable and inexcusable exploitation of migrant laborers and called for the enactment of protective legislation to correct this situation. I thoroughly agree with His Excellency's remarks and trust that my colleagues in this House will also. I believe that this address contains valuable insights for all of us in this House:

ADDRESS OF HIS EXCELLENCY, THE MOST REVEREND ROBERT E. LUCEY

To be the first recipient of the Max Nathan Award of the Houston chapter of the American Jewish Committee is indeed a distinct honor. I am deeply grateful to the Houston chapter for this favor and to all of you for your presence here this evening. The conferring of this award gives citizens of Texas an opportunity to break bread together in a friendly, cordial atmosphere of good will even though our religious loyalties are not identical; we are Jews and Protestants and Catholics. But we are all Americans and we are dedicated under God to the principle that all men are equal and every citizen has a right to justice and freedom.

For too long we Americans have been quarreling about religion. It seems to me that there is no legitimate place in America for that sort of controversy. This does not mean that religion should be ignored or that discussion of human destiny and eternal truth is out of place. It does mean that as intelligent citizens we ought to be able to conduct religious dialog on a high level of friendship, commonsense and consideration for the rights of others. The bestowal of this award is therefore an occasion of unity, solidarity and good will among citizens of south Texas.

In this period of history we Americans should be united. These are serious times; unnecessary controversy among ourselves is a luxury we can ill afford. Our beloved country is the last bulwark of civilization, of justice, of freedom. In the world community there are two powerful nations which deny the dignity of man and human rights. They are bent on world conquest; they despise the American way of life; they will crush us if they can because we block their path to total, ruthless tyranny. Since these Communist governments do not believe in God they cannot believe in man because the creature has dignity only when he stands in the reflected grandeur of his Creator.

These two countries of the East have placed in jeopardy our survival as a nation. They plan to preside at our funeral; they have in mind to bury us. Our job today is to prove to ourselves and to the family of nations that we are worthy of survival. Lip-service to human rights no longer has value. The 20th century has caught up with those unworthy stewards who publicly proclaim liberty and justice for all: but privately try to massacre both liberty and justice for minority groups.

The Max Nathan Award dramatizes the problem of migrant labor in American agriculture. It points an accusing finger at the iniquities of that program; at the injustices which are a blot on our escutscheon; at a situation which I have described publicly as our badge of infamy, a ghastly international racket.

Migrants may be nationals of Mexico and they are known as braceros or they may be Texans and they are known as citizen migrants. In either case the exploitation of the migrant is almost inevitable. In the first place his position is weak. He stands before his employer defenseless and alone. He needs food and the necessities of life. He has little or no bargaining power. He must work to eat. His children need food. Until this year the employer could hire this man for 50 cents an hour and make him work 12 hours a day, 7 days a week picking cotton. When payday came the grower could reduce the wage to 30 cents an hour and if the worker didn't like it that was too bad for him. If he happened to be a Mexican national he could be sent home as a troublemaker. Prudence dictated that he be docile, silent, and robbed.

Another reason why the exploitation of migrant workers is almost inevitable is the absence of protective legislation. Much helpful social legislation has been enacted in our country but farm labor has been specifically exempted from most of it. Agriculture is a sacred cow. Certain farm organizations have made it so. Most of the attempts to better the condition of farm labor have been beaten down. Even child labor has been encouraged.

I think it's about time for reactionary growers to join the human race, show signs of being civilized, and begin to behave like decent Americans. There is nothing particularly sacred about agriculture. The growers are not spacemen from another planet exempt from all laws of honesty and decency; they are not little Caesars possessed of special exemptions and immunities; their business is not a segment of our economy separate and distinct from the stream of American life. American agriculture is not a sick industry; it is very strong.

It is only certain growers who are overstuffed with pride and power. They can pay good wages and make a fair profit if they want to.

By the same token farmworkers are not second-class citizens nor are they less than human. We owe it to them to give them a chance to lead their lives in decent and frugal comfort. There is no reason in logic or morality why the good name of our country should be dragged in the gutter of disrepute to satisfy the greed and rapacity of evil men. We ought to protect the migrant by legislation until he is strong enough to protect himself.

The U.S. Senate has passed several pieces of legislation favorable to migrants; now it is time for the House to do something about an intolerable situation.

Let me express one more thought. The exploitation of migrant labor in American agriculture may seem utterly foreign to us. Most of us are not farmworkers; we live in cities; we know that American industry is powerful. Both labor and management are organized; we are a mighty Nation. Wandering farmworkers seem far away.

But, we must not forget that freedom is indivisible; human rights belong to all. If one large segment of our economy practices tyranny, America is weakened. If we permit human rights to be denied anywhere, they are in jeopardy everywhere. When the rights of minorities are violated, the very idea of freedom and justice is damaged. The atrocities perpetrated against migrants have been the responsibility and the tragedy of all of us.

Our treatment of the migrants in recent years has been unworthy of us as a free people; it has been a national disgrace. Not all farmers are to be blamed; not all growers are dishonest; but the system itself has been wrong. All too often braceros and citizen migrants have been treated shamefully. Now, at long last, public opinion rises up to condemn these iniquities which have hurt our good name around the world, particularly in Latin America.

Historically the American people have proclaimed and defended human rights and fundamental freedoms. That is why American citizenship has always been a prized possession. The world needs America for justice and freedom and liberty. You and I and all of us must serve this Nation that

her greatness may endure. Without America the world would be in chaos.

The Founding Fathers recognized that our country had a mission, a vocation, to lead the world to new concepts of national sovereignty and individual liberty; a new understanding of the dignity of man and the freedom of the human spirit.

On July 4, 1776, the Congress of the Thirteen Colonies proclaimed immortal principles of human liberty for all the world to read and today our mission, our vocation, in the providence of God, is to save mankind from slavery. I am very happy to be an American.

SUPREME COURT RENDERS LANDMARK DECISION FAVORING SMALL BUSINESS

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. EVINS. Mr. Speaker, some time ago the Sun Oil Co. found itself engaged in a gasoline price war in the State of Florida. During the course of this price war, the Sun Oil Co. granted some special reduced prices to one of its lessee dealers but refused or failed to grant similar price concessions to any of its other lessee dealers competing in the same market. The oil company argued that it reduced the price to this particular customer in order to help the customer meet the lower price of the customer's competition; that the meeting-competition doctrine should be expanded and broadened to permit such a pricing practice.

The Federal Trade Commission moved into the situation and found that the oil company should not have given special prices to just one of its dealers and that in so doing it had violated the Robinson-Patman Act. The matter was appealed to the courts, but the Supreme Court, just a couple of weeks ago, sustained the Commission's ruling.

Justice Goldberg wrote the opinion for the Court, and there were no dissents. He commented at length regarding the purpose and philosophy of the Robinson-Patman Act and its importance to small business. The decision immediately became a leading case in the field of antitrust law and has served to prevent and set at rest any thought that the language of the Robinson-Patman Act could be twisted or turned or interpreted so as to provide any new or additional opportunities for discriminatory pricing practices. Justice Goldberg's opinion makes it clear that the loophole, which the Sun Oil Co. thought it had discovered, simply did not exist. The troublesome and controversial "meeting competition" proviso of the Robinson-Patman Act, in effect says Justice Goldberg, is not to be enlarged upon or given any interpretation other than that which Congress clearly intended.

For the past several years, our esteemed colleague, the gentleman from California, Representative JAMES ROOSEVELT, as chairman of Subcommittee No. 5 of the House Small Business Committee, has held a number of hearings and developed comprehensive information regarding the competitive problems confronting the small business independent service station operation. The reports of Representative ROOSEVELT'S subcommittee constitute a prime source of authoritative data regarding the merchandising and distribution practices applied by the members of this industry.

In deciding the Sun Oil case, Justice Goldberg found the reports of the House Small Business Committee authoritative and helpful. Justice Harlan, who also expressed his views about the case, referred interested parties to Representative ROOSEVELT'S subcommittee reports for certain additional detailed facts about the industry.

Upon reading this informative decision, it seemed to me that it should be brought to the attention to the Members of the Congress. I thought also that the Members should know about the recognition accorded the House Small Business Committee by our Nation's highest Court.

FEDERAL CLEANUP OF THE ANDROSCOGGIN RIVER IN NEW HAMPSHIRE AND MAINE

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DINGELL. Mr. Speaker, I am distressed and surprised to note a furor has arisen with regard to the projected Federal cleanup of the Androscoggin River in New Hampshire and Maine. Some years ago I inserted into the daily CONGRESSIONAL RECORD an editorial pointing out the sad condition of this river and indicating the dire need for a cleanup. The fact that entrenched local interest would go so far as they have in this area to delay and prevent cleanup of water pollution is something which gives the Congress reason to consider enactment of still stronger water pollution abatement legislation.

The bringing of a Federal enforcement action to abate the interstate pollution of the Androscoggin River in New Hampshire and Maine has elicited yelps of outraged astonishment on the part of the State agencies respectively responsible for water pollution control. The enforcement conference at which Federal and State representatives are to inquire into the pollution situation is set by the Secretary of Health, Education, and Welfare to take place at Portland, Maine, on February 5, 1963.

These State agencies are presently voicing the contention that the Federal officials should be obliged to bring such pollution situations to their attention and allow them, the State agencies, opportunity to act before Federal enforcement authority is invoked. In New Hampshire they have succeeded in having their legislature adopt a resolution to this effect.

One wonders how much notice the State agencies need. On July 1, 1959, I inserted in the daily CONGRESSIONAL RECORD, at page A5705, an editorial from the Maine Outdoorsman and Conservationist for July 1959, which clearly cited the pollution situation obtaining on the Androscoggin River. It would seem that more than reasonably ample notice, both of sight and smell, has long existed and was fully publicized in the local press.

It is to the great credit of the voters of New Hampshire that their newly elected Governor, John W. King, has expressed his firm support of the Federal action to coordinate Federal-State efforts. The officials of the State water pollution control agencies might well profit in the future by a careful reading of their newspapers.

JOHN F. STEVENS: "THE PANAMA CANAL IS HIS GREATEST MONUMENT"

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLOOD. Mr. Speaker, the just fame of great creative leaders and thinkers has often been temporarily obscured by situations over which they had no control. Nevertheless, with the passage of time, their works become viewed with better perspective and tend to assume their due stature. Of such cases in our history, the great contributions of the late John F. Stevens—1853–1943—in the design and building of the Panama Canal is a notable example.

Though the significance of the accomplishments of Stevens was fully recognized, while he was on the Isthmus, by informed persons, such as President Theodore Roosevelt and perceptive engineers in the Canal Zone, general recognition was not won, no doubt because of his resignation and separation in 1907 from canal service.

The first major tribute in the Nation's Capital to Stevens for his canal work occurred on May 12, 1956, at the annual meeting of the Panama Canal Society of Washington, D.C.

On this occasion, I had the honor and privilege of eulogizing him as the "Basic Architect of the Panama Canal"—see CONGRESSIONAL RECORD, volume 102, part 7, page 9285.

Since 1956, his fame has been in the ascendant. The more prominent figures in the history of the Panama Canal enterprise are seen more objectively. This history includes the story of the long diplomatic struggle for the acquisition of the Canal Zone and of the construction of the canal.

It was, Mr. Speaker, historically fitting to a unique degree that our Government on October 13, 1962, the day following the dedication of the Thatcher Ferry Bridge across the Panama Canal at Balboa, honored the memory of John F. Stevens at the scene of one of

the greatest chapters in his career of constructive achievement. This was done by the designation of Balboa's principal traffic circle as the "Stevens Circle" and the unveiling in its center of the Stevens monument. The latter bears the following inscription:

John F. Stevens, 1853–1943
Isthmian Canal Commission
Chairman, 1907
Chief Engineer 1905–1907
"The Canal Is His Monument"—Goethals

Located at the end of the Prado closest to the canal, this memorial forms a natural counterpoint to that for George W. Goethals, chairman and chief engineer, 1907–14, at the other end of the Prado near the base of the Canal Zone Administration Building.

It was singularly appropriate that the main speaker at this memorable scene was one who, as a youth, had the rare privilege of knowing Mr. Stevens and learning the true story of the planning of the Panama Canal from the basic architect himself—Under Secretary of the Army Stephen Ailes. Emphasizing that "in all truth, the canal is his monument," Secretary Ailes, with the exception of General Goethals, became the first high official of the executive branch of our Government since President Theodore Roosevelt in 1906, to give due credit to Stevens.

From what I have learned of the character of Stevens as gleaned from many sources, including members of his family and others who knew him, I think I know how he would have reacted had he been present at the dedication of the Stevens Memorial. He would have accepted it graciously, but in the name of all who contributed to his success.

The admirable address of Secretary Ailes follows:

Governor Fleming, Ambassador Farland, distinguished guests, ladies and gentlemen, it is a source of unusual personal satisfaction to me to be present and participating on this occasion when the good works of John F. Stevens are to be honored by the unveiling of this monument and the designation of this circle as Stevens Circle.

Mr. Stevens' contribution to the successful completion of the Panama Canal project is common knowledge in technical and professional circles and was well-known here by those who participated with him in his efforts and by those, such as General Goethals, who followed him. However, his contribution is not generally known in the United States and I suspect is not well recognized in Panama today. Accordingly, it is more than fitting and appropriate that we take the steps we are taking today in recognition of his efforts and in perpetuation of his name.

Mr. Stevens was born in West Gardner, Maine, on April 25, 1853. He came of old New England stock. His father was a tanner and the operator of a small farm. Mr. Stevens attended what he called the country common schools and spent 2 years at a normal school—the standard designation until recent years of the educational institutions where public school teachers are trained. In 1874, at the age of 21, he followed the advice of Horace Greeley and went west to seek his fortune.

For 2 years he worked in the engineering department of the city of Minneapolis, then went to Texas where he secured employment on a railroad survey gang. Thereafter he became an assistant engineer with the Denver and Rio Grande and his railroad engineering career was well on its way; 1882 found him serving as contracting engineer in charge of the construction of 1,000 miles of railroad for the Canadian Pacific from Winnepeg to Vancouver through the Canadian Rockies. In 1889 he began a 14-year career with the Great Northern.

One of the most dramatic stories of Mr. Stevens' career dates from this period—one which I have heard him recount many times. In 1889 the Great Northern Railroad faced the problem of crossing the Rockies in its efforts to reach Seattle, Wash. The only two known passes through the Rockies were over 150 miles south of the line which the railroad wished to follow. There was, however, a legend among local Indian tribes that a gap existed in the mountains at one of the heads of the Marias River. Mr. Stevens was assigned the job of finding out if this legend was true. Here is an account of this undertaking as given by Ralph Budd, the president of the Great Northern Railroad in 1925:

"On the last lap of the exploration of Marias Pass, he was accompanied only by an Indian, as no one else would venture into the mountains so late in the year. Carrying their packs on their backs, they had reached a point about 5 miles from the actual summit when his companion became exhausted and had to be left at camp, if an open fire on ground cleared of 2 feet of snow can be called a camp. From there he went alone through the pass and far enough to make sure he was in Pacific drainage. Alone that night at the summit, he tramped to and fro to keep from freezing, and in the morning came back to his Indian only to find the fire out and the fellow half frozen. But he got his man back to a settlement in the east foothills of the Rockies, after which he came over 100 miles to the railroad, and thence to St. Paul with his amazing report. At one stroke the discovery of Marias Pass shortened the proposed line to the coast by over 100 miles, afforded far better alinement, much easier grades, and much less rise and fall. In grateful recognition of this service, the Great Northern Railway has caused an heroic bronze statue of Mr. Stevens, as he then appeared, to be executed by the sculptor Cecere. It will stand permanently where he spent that memorable night in December, 1889." This 12-foot statue, dedicated July 21, 1925, stands in Marias Pass where the Great Northern crosses the Rockies today.

Mr. Stevens' prowess was not limited to walking on the snow in the night. He planned and supervised the construction of the Great Northern all the way to the west coast, including the construction of a 3-mile tunnel through the Cascade Range. These achievements acquired for him an outstanding reputation in the industry. It was summed up by the great railroad builder, James J. Hill, with whom he was associated on the Great Northern, as follows:

"He is the most capable engineer on railroad construction I have ever known. He is always in the right place at the right time and does the right thing without asking questions about it."

In 1905, when President Roosevelt wanted to send to Panama a chief engineer who could get the job done, it was not surprising that he turned to the railroad industry where most of the experience and know-how with respect to moving great masses of dirt was centered, and having turned to that industry, it is not surprising that he settled upon Mr. Stevens for the job.

Mr. Stevens spent 2 years in Panama and then returned to the railroads. In 1917 President Woodrow Wilson prevailed upon him to go to Russia as Chairman of the Russian Railway Commission where he operated the Soviet railroads for the allied government during World War I and the reconstruction period thereafter. He returned to the United States in 1923 and became a consulting engineer for the B. & O. Railroad and a director of the company, in which capacity he served until his retirement in 1940 at the age of 86. He died in 1943.

It was during his B. & O. period that I knew Mr. Stevens. My grandfather was the general counsel of the railroad and Mr. Stevens was a frequent weekend visitor at my grandfather's home in West Virginia, where I regularly spent the summer. When I count my blessings, I place high on the list those hours I spent listening to the reminiscences of those two fine men.

Mr. Stevens' career was a distinguished one by any standard, characterized by a willingness to undertake the hardest and most difficult tasks and an unbelievable ability to accomplish them. Here, today, we are interested in what he was able to achieve with respect to the construction of the Panama Canal.

When Mr. Stevens arrived on the isthmus on July 26, 1905, he found an extremely depressing situation. The French under the great DeLesseps had failed in their attempts to dig a canal and would, no doubt, have been defeated by yellow fever even if their plans, finances, work force, and equipment had proved adequate to the task at hand. We had made little progress since the trying of our efforts in 1903. The crest where Culebra Cut now is was 280 feet above sea level and the French had reduced it by 120 feet. The hard work remained, however, which we had undertaken after our operations commenced in the year 1903.

In 1905 on his arrival, Mr. Stevens discovered:

1. No firm plan for the canal itself was in existence; no firm decision had been made.

2. No detailed plan for the removal and disposition of the spoil which Culebra Cut would yield had been prepared.

3. The Panama Railroad was in frightful condition with rolling stock obsolete by 20 years, with the line in serious need of maintenance, and with warehouses piled with freight, some of which had been there for over a year.

4. The difficult problem of controlling the Chagres River, the flow of which varied annually between 600 cubic feet per second and 110,000 cubic feet per second had not been solved;

5. Panama City and Colon were without adequate water or sewerage disposal systems, and were extremely unhealthy places in which to live.

6. Health and living conditions were so bad and the death rate was so high that recruitment of outside labor and executive personnel was actually impossible.

7. The governmental organization running the project—from Washington—was intolerable. The members of the Walker Commission, which was in charge of the project, were, in Mr. Stevens' words: "Apparently unable to agree with each other or with anybody else" and yet endeavored "to decide and act upon the most trivial matters at a distance of 2,000 miles."

He described the conditions he found as follows: "I found no organization worthy of the name; no answerable head who could delegate authority and execute responsibility; no cooperation existing between what might charitably be called the Departments—quite the contrary—and a disposition (not shared by the engineers) to believe that the construction of a successful canal at Panama was a very dubious project."

With inadequate equipment, no plan worthy of the name, no organization, an ineffective labor force and a defeatist attitude, the men in charge were striving to "make the dirt fly" in response to strong political pressure from Washington for evidences of concrete results.

Mr. Stevens promptly undertook the formation of an organization, "capable of expansion as work increased in volume and variety and flexible enough to provide for

contingencies." He immediately ceased work on the canal itself and put all hands to the task of creating conditions under which the main job could be accomplished successfully and in an orderly fashion. He gave full support to Colonel Gorgas in his efforts to improve health conditions. The cities were cleaned up, paved and supplied with water and sewerage systems. He conceived of a plan for a lock type canal which solved the Chagres River problem by employing Gatun Lake as a flood control system, which saved some $150,000,000 and untold years of time when compared with the then proposed sea-level canal, and he succeeded in securing presidential support and congressional approval of this plan. (In this connection, when testifying before Congress, one Congressman asked him whether he really thought an earthen dam 100 feet wide at the top built at Gatun would hold a lake 27 miles long. Mr. Stevens characteristically replied: "Sir, much smaller dams than that, called dikes, built in Eastern Holland, hold up the whole Atlantic Ocean.")

Mr. Stevens prepared a complete plan for providing an adequate amount of transportation to haul away the material dug from Culebra cut to predesignated areas where it could be unloaded. This involved an intricate system of tracks so that freight cars could be spotted at every shovel. These sidings hooked into the Panama Railroad. The plan included the disposition of all of the spoil to be removed from the cut.

Mr. Stevens, as an old railroader, saw to it that the Panama Railroad was completely restored to sound operating condition, double tracked in some areas, supplied with new equipment and improved management. The railroad played a highly important role in the efficient operations that followed.

Mr. Stevens recruited a labor force from the Caribbean Islands and even from Spain which produced 6,000 workers for the project. Housing was built, a commissary and messing facilities were provided, and the reputation of the Isthmus as an unsafe or undesirable place to work was for all time put to rest.

The smoothly functioning organization which he created designed much of the equipment in the way of shovels, locomotives and the like, which were used in the construction job.

All of these steps were taken prior to January 1, 1907, at which time the actual digging of the canal recommenced. What a difference. An effective labor force, properly equipped and backed by excellent management, was working on a schedule pursuant to a fully prepared and detailed plan. Morale soared, the dirt did fly, the success of the project was assured. The terminal date and the cost could be and were accurately predicted.

This was Mr. Stevens' achievement.

A word is in order about Mr. Stevens' manner of going about his business. An article in the June 2, 1906 Outlook magazine about him reads as follows:

"A tall, broad-shouldered man of 52, with gray eyes steady in an open, swarthy, mustached face, he looks squarely at you while he talks with a boy's frankness. He is deliberate, forcible, intense, yet, except upon a reminiscent evening, speaking little. There is in him something of the canny Maine Yankee, something of the pushing pioneer of the Plains. His day's work is so promptly dispatched that he is never a single letter of it in arrears. He is never in a hurry, and can give an hour almost any time to a man with legitimate business; yet of his 12 daily working hours he can never spare 5 minutes for a trivial thing. Ever since the winter when he was tamping ties in Texas at $1.10 a day, he has made his own way, and he has done it by prodigiously hard work and in infallibility of commonsense that amounts to genius. * * *

"What they saw in the new 'Chief' they liked from the first. There was no condescension, no airs of authority about him. He never used a special train; the ordinary local or freight suited his convenience, and the brains car was suddenly a thing of the past. He brought no cronies down to fat jobs. The man he personally selected for positions had a way of proving their ability; and every man he discharged, by nearly common consent, deserved dismissal.

"He was a hard taskmaster, but he worked himself, and he worked with a vengeance. There was no part of the line that he did not cover repeatedly on foot. 'Take a spy-glass,' runs one of the jokes of the Isthmus, 'and up or down the road you'll see Stevens striding over the ties.' He went into the kitchens unannounced—'not his way to hunt ducks with a brass band,' said a fireman to me—and saw that the same dinner was served him that the men were eating. If anything was wrong, the manager heard of it."

A division engineer at Bas Obispo Cut was asked this question: "How is it that Mr. Stevens has this marvelous hold on all you men here?"

He replied: "Well, it is this way: Mr. Stevens comes around to my division once each week or 10 days. I have learned the 'old man's' ways pretty well; so I let him look around by himself for a little while; then when I see out of the corner of my eye that it is the right time for me to draw up alongside, I do so. He will want to know why I put that steam shovel over there, and why I have this drilling gang over here, and the reason for everything. Finally he will say, 'What are your plans for next week?' I tell him. He will ask me why, and after I have explained, perhaps say, 'Now, if I were in your place, I would do it this way,' and picking up a spike he will sketch out a plan of operation on the side of a shack; but when he goes away he always says, 'Hartigan, you are the boss here, and I am going to let you do just as you think best, and in a week I will be around again, and perhaps we can then see whether your way or my way is best.' When a man treats you that way, haven't you just got to do the very best you can?"

In April of 1907, Mr. Stevens resigned. There was considerable speculation at the time as to the reasons for this resignation. He always insisted that they were purely personal and that he had enjoyed nothing but the finest relationships with and cooperation from President Roosevelt and Secretary of War Taft. Whatever were his reasons, the job of planning and organizing the Panama Canal project was done. Throughout his career, Mr. Stevens moved on in search of new problems—when the passes were discovered, the plans made, the hard nuts cracked, the difficulties overcome—and left the more humdrum task of operating to others.

Perhaps the man best entitled to appraise Mr. Stevens' performance was colonel—later General Goethals. The New York Evening World of January 24, 1928, contained an article upon the death of General Goethals which included the following:

"General Goethals never boasted of his great accomplishments, and when the canal was mentioned in his presence he always insisted that two men, Theodore Roosevelt and John F. Stevens, had far more to do with the successful building of the canal than he. He had followed Stevens as chief of the work of construction, and his admiration for his predecessor was evident at all times.

"Stevens, he would say in his quiet way, was one of the greatest engineers that ever lived, and the Panama Canal is his greatest monument. He was a wonderful organizer and a remarkable judge of men. He had unerring insight in the selection of his assistants, and I found when I went to Panama that his organization was about as perfect as any one could make it. The result was that more than one-half of the work was done for me in advance."

Mr. Stevens conceived the design for the canal, conceived the plan for digging it and for building the locks and the dams. He devised the organization and created the forces which did the job. In all truth, the canal is his monument.

My own review of the history of these affairs for this occasion has brought back memories of conversations and reminiscences which I was privileged to listen to long ago. I am deeply grateful for the opportunity to participate in this affair. Thank you very much.

RATHER THAN LAMENT THE COMMON MARKET, LET US WORK TOWARD A FREE WORLD COMMUNITY

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. REUSS. Mr. Speaker, Britain's application to enter the Common Market, if not dead, appears shelved for a long time to come. The tendency for many Americans is to lash out at De Gaulle for his undoubted wrecking of the proposal for British entry.

Rather than curse De Gaulle, we should be taking a look at our whole foreign policy, and inquiring whether its direction does not need to be changed.

The end and aim of our foreign policy was and is a good one. It is nothing less than the formation of a free world community of both the industrialized and the developing countries. In this community, the industrialized nations of the free world could join their efforts to bring about full employment and adequate economic growth in each one of them; to progressively lower the barriers to trade between themselves and with the underdeveloped world; to create a mechanism of international exchange and payments which will avoid crises and permit each country to pursue full employment policies.

In this community, the developing countries would also be partners. The aim of the above measures in domestic economic policy, in trade, and in payments, is by no means simply to benefit the industrialized countries. At least equally it is to help the developing countries grow by providing them markets for their goods, and a dynamic source of private and public capital.

Such a free world community has been our proclaimed goal. In recent years, we have selected as the step to that goal certain interim means.

The principal means was the formation of the European Common Market of the Six, which we vigorously espoused. The valid purpose of the Common Market of the Six was to give each of its members a mass domestic market, to give its industries the spur of competition, and to end strife between France and Germany. Each of these three objectives has been abundantly accomplished.

We have lately added a gloss to our Common Market policy: the United

Kingdom must be brought into it at all costs. The theory was that such an enlarged Big Europe would be an equal and interdependent partner of the United States, and thus advantage the West in its confrontation of the East.

We were so taken by this particular interim step—Britain's joining the Common Market—that we twisted our foreign policy to meet it. The Trade Expansion Act, signed into law on October 11, 1962, has as its central section the power to bargain down to zero on groups of commodities 80 percent of the world trade in which is carried on by the United States and the Common Market. The hitch is that unless and until the United Kingdom and others join the Common Market, there simply are no such commodities—except jet aircraft and margarine—and the whole dominant supplier section is therefore all sound and fury, signifying nothing. Only when and if the United Kingdom and some other European countries join the Common Market does the 80-percent clause cover a meaningful list of commodities. The details of this have been set forth many times, most recently on October 4, 1962—see CONGRESSIONAL RECORD, volume 108, part 16, pages 22288–22290.

What the United States is saying to Great Britain by this section is this: "If you do not join the Common Market, we are going to penalize ourselves by making it impossible to bargain effectively for the entry of American goods into foreign markets."

Nor is this all. The Trade Expansion Act would permit the administration to be in a position to negotiate with the Common Market and the rest of the trading world 6 months from the date of the signing of the bill last October. Six months is necessary because under the act the Tariff Commission may take that long to hold hearings and make findings on the proposed tariff bargain submitted to it by the President. But the United States could have been ready to bargain by mid-1963—or can still, for that matter. The State Department, however, has let it be known that this vitally necessary bargaining will be delayed at least until "late in 1964." The reason, again, is that nothing must be done while Britain's entry is still being debated.

To recapitulate, our end—a most worthy one—is a free world community. The means chosen is a European Common Market, with Britain a member. But this particular means is not working. De Gaulle has said "No." And the Common Market is raising its trade barriers in disregard of the interests of the free world.

Marshall Foch is alleged to have said: "My center is collapsing, my flanks are crumbling. I shall attack." This approach has meaning for us.

What we ought to do is to go imperturbably on with our task of organizing the industrialized countries of the free world—the six of the Common Market, Britain and the other EFTA and unattached West European countries, the United States, Canada, Australia, New Zealand, Japan, and perhaps some others—into a community that keeps itself busy working toward full employment, freer trade, and secure payments arrangements, for its own benefit and for the benefit of the developing world.

Let the United Kingdom join the Common Market in God's good time if it wishes. But meanwhile, let us get on toward our end. Let us not delay while we mourn the failure of what was at best only one of several alternative means toward that end.

Thus, I have today introduced H.R. 2912, an amendment to the Trade Expansion Act which will allow the United States to use the 80-percent-down-to-zero bargaining power on a whole wide range of leading commodities. This amendment is to the same effect as that pressed by the Senator from Illinois [Mr. DOUGLAS] and myself in the last Congress. It was adopted by the Senate, but was then omitted in conference.

I hope that the administration will adopt and press this amendment, and that Congress will promptly pass it. I would then hope that the administration would markedly update its timetable for negotiating under the Trade Expansion Act, and aim to start negotiations as soon as possible instead of as late as possible.

Vigorous and prompt most-favored-nation bargaining by the United States would be good for almost everyone:

First. The United States would be particularly helped by vigorous bargaining down of tariffs and other barriers by the Common Market and the EFTA countries. Only thus can we prevent serious losses in our present exports of agricultural products. Only thus do we have any hope of increasing our exports in commodities like coal, consumer durable goods, machinery, and paper. Expanded exports for the United States could tend to reduce unemployment in our most efficient industries, and to boost our lagging growth rate. Lower European tariffs would help our deficit in international payments directly, by increasing our export surplus; indirectly, by removing the artificial lure which a protectionist Europe holds out toward excessive U.S. capital investment in Europe.

Second. The United Kingdom and the other EFTA countries, seriously damaged by the Common Market's protectionism, would welcome such a shift in U.S. policy.

Third. The five countries of the Common Market other than France—West Germany, Italy, Belgium, Luxembourg, and the Netherlands—are embarrassed by increasing French protectionism and isolationism, and would welcome a new tack in free world policies.

Fourth. The developing nations, particularly Latin America, and the countries of Asia and Africa not affiliated with the Common Market, would welcome leadership by the United States and other industrialized countries to expand outlets within the industrialized world for both their emerging manufactured goods and their raw materials.

This shift in U.S. trade policy from its Common Market fixation to a free worldwide orientation should be accompanied by other measures.

The United States is already committed to a faster rate of economic growth. Tax reduction is to be the prime mover. But this needs to be supplemented by the vigorous trade policy just described, both to make U.S. industry more competitive and to give us some new markets. Additionally, in order to free the United States from the supposed necessity of a restrictive monetary policy which will itself retard growth and produce stagnation, we need a more durable system of international payments.

As the report of the Joint Economic Committee's Subcommittee on International Exchange and Payments of December 1962 pointed out, the present policies of the Treasury and the Federal Reserve System to protect the dollar against capital outflows are inadequate: the best proof of this is that present policies have not freed us from the supposed constraints of the balance of payments. Accordingly, as the report recommended, the countries of Europe should promptly be asked to do for us what we helped them to do for each other in 1950's: form a payments agreement under which normal capital flows between the industrial countries are matched by compensating credits, and are hence not a depressing effect on anyone's domestic economy.

In addition to these initiatives in domestic full employment and growth, in trade, and in payments, the good start made by the OECD in coordinating the foreign aid efforts of the industrialized countries should be vigorously pursued. Incidentally, full employment in the industrialized countries, freer trade, and an adequate system of international payments are of inestimably greater value to the developing countries than any amount of direct aid.

Such a new initiative in American foreign policy is not anti-French. De Gaulle should be taken at his word when he proclaims that a Little Europe of nation-states is his notion of the proper configuration for Europe now and in the near future. But this surely should not prevent France from assuming her rightful place with the other industrialized nations of the free world in the larger community. A summit conference of the heads of the free world's industrialized nations might well serve to get us all moving toward the goal of a free world community, and away from interim means toward that end that have failed.

Incidentally, the end of a free world community, if it were reinvigorated along these lines, is one that would be understood by the American people. Then we could bring to bear the broadest possible support for methods designed to end our economic lag and bring full employment at home.

THE PRESIDENT'S ECONOMIC REPORT

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Joint Economic Committee today starts hearings on the President's Economic Report for 1963.

The Joint Economic Committee is, of course, under the control and direction of the President's own party. The first week of public hearings will be taken up with administration witnesses, beginning with the President's Council of Economic Advisers today, the Director of the Bureau of the Budget tomorrow morning, the Secretary of Agriculture tomorrow afternoon, the Secretary of Labor Wednesday morning, the Secretary of Commerce Wednesday afternoon, the Secretary of Treasury Thursday morning and the Chairman of the Federal Reserve System, with two other officials of the Federal Reserve System, Friday morning.

Four sessions have tentatively been scheduled for the following week, where possible critics of the President's Economic Report are to be heard, as follows: Monday, February 4, morning and afternoon; Tuesday, February 5, morning; and Wednesday, February 6, morning.

I think the imbalance of the Joint Economic Committee hearings on the President's Economic Report in respect to supporters and critics is obvious. I trust that in spite of this we of the loyal opposition will be able to provide meaningful criticism, spelling out the areas where we are in agreement and those where we are in disagreement in our written report to the Congress, which will be part of the Joint Economic Committee Report to the Congress, as required by the Employment Act of 1946.

Pending this written report and before the Committee begins its interrogation of the witnesses who will testify on the President's Report, I think it will serve a good purpose to have a preliminary criticism of the President's Economic Report, which was transmitted to the Congress on January 21.

This I shall now undertake to do. However, I believe a good technique to employ is to insert these remarks in the RECORD instead of taking the floor to deliver them. I shall then take a special order of one hour this Thursday at which time those who would like to have further exposition or who would like to rebut certain points will have an opportunity to do so.

A PRELIMINARY CRITICISM OF THE PRESIDENT'S ECONOMIC REPORT, 1963

In an economic report, it is important to try to separate economic dates from political dates, otherwise the report becomes a political report. It is always appropriate to discuss the bearing political actions have upon economic events, indeed that is one of the basic purposes of the Economic Reports of the President to the Congress. However, this can be done and should be done in a manner which preserves the economic character of the report. Regrettably, President Kennedy again has chosen to corrupt his Economic Report by mingling economic and political dates.

The 1960–61 recession bottomed out in February 1961, within 10 days after President Kennedy assumed the Presidency. Obviously no political or economic action of his had any bearing on this economic phenomenon. I emphasize this point not to belittle the President's efforts but for the purpose of a better understanding of economic forces and economic laws and to prevent our being deceived about the efficacy of political actions taken after the fact.

The President's first point under the heading 'The 1961–62 Record' is misleading—page X of the report.

1. Early in 1961 vigorous antirecession measures helped get recovery off to a fast start.

As a matter of fact, the pace of the recovery of 1961–62 was below the pace of recoveries from other recessions where different political actions and inactions occurred. It would be of value to compare the other recoveries with respect to political actions taken or not taken. Such a study would probably reveal that the Federal Government, powerful and important as it is, was not a major force in these economic cycles. The Federal Government's main function and where it might act for good might well be maintaining neutrality, signaling its action or inaction so that the private sector could make proper adjustments.

The President makes many claims, usually in assumptive clauses, which do not jibe with the facts.

On page IX he states:

When in spite of a sizable drop in the employment rate [seasonally adjusted] from 6.7 percent as 1961 began to 5.6 percent as 1962 ended.

This was not a sizable drop, comparing this recovery period with other recovery periods. Furthermore, the unusual factor in the unemployment figures for 1961–62 was the rather steady drop from 6.7 to 5.5 percent in March 1962 and the erratic action thereafter. The unemployment rate remained for 2 months at 5.5 percent, March and April, then it went down to 5.4 in May, then back up to 5.5 percent, then down to 5.3 percent, only to take the unusual jump back to 5.8 percent in August and September, down to 5.5 percent in October, back to 5.8 percent in November, and then to the 5.6 percent in December.

Something most unusual went on in the first half of 1962. For the first time, except in war years, the Bureau of Labor Statistics showed that the civilian labor force was not growing. Civilian labor force is merely the sum of two components, employment and unemployment. Perhaps the lower unemployment rates in these months resulted from errors in compiling the employment and unemployment statistics. Perhaps when these errors were rectified after attention had been directed to the unusual phenomenon of the failure of the labor force to grow, the unemployment rate jumped five-tenths of 1 percent in 1 month from the low of 5.3 to 5.8 percent.

Public confidence in our employment and unemployment statistics has not been helped by the confession of the Secretary of Labor in December that he had misrepresented the unemployment picture by releasing unadjusted figures in order to give the statistics a more favorable appearance just before the November election. This matter needs full clarification. I am placing in the RECORD at the conclusion of my remarks an article appearing in the Washington Post on December 13, 1962, reporting this incident.

Again, on page IX, the President uses a misleading assumptive clause. His report reads:

When, in spite of a gratifying recovery which raised gross national product from an annual rate of $501 billion as 1961 began to $562 billion as 1962 ended.

This was not a gratifying recovery, if one compares it with other recoveries. It has proven to be the weakest recovery from any post-World War II recession. Furthermore, the President engages in the practice of using unadjusted figures to make his point more emphatic. The $501 billion figure, if seasonally adjusted and stated in 1962 prices, becomes $509 billion—see table C–2, page 172, of report. The $562 billion figure becomes $559.1 billion, a net reduction of $11 billion in the spread, or a real increase of $50 billion in gross national product. In the figures the President uses we have a $61 billion increase.

The President continues his practice of using unadjusted figures and relating unlike periods of economic cycles, that is, recession periods with recovery, periods, troughs with peaks, and so forth, to try to make political points. I pointed out the impropriety of these techniques in some detail last Congress, CONGRESSIONAL RECORD, volume 108, part 12, pages 16522–16527—after the President's televised economic address to the Nation. The President has asked for forthright public debate on economic issues. To do so, we must agree on some ground rules. The first rule to agree upon is to ban the use of juggled economic statistics.

On page X, the President continues his use of assumptions which do not jibe with the facts.

When in spite of a recovery growth rate of 3.6 percent yearly from 1960 to 1962, our realized growth trend since 1955 has averaged only 2.7 percent annually against European growth rates of 4, 5, and 6 percent, and our own earlier postwar growth rate of 4½ percent.

Comment: 1955 is not economically comparable to 1960; 1954 was a year of recession, 1955 was a year in which the recovery was in full bloom; 1960, on the other hand, saw a peak reached in May and a downturn thereafter. We must measure economic growth from troughs to troughs or from peaks to peaks, in other words from comparable points in economic cycles. The President's figures are obtained by juggling economic periods. Actually our growth measured by gross national product from 1952 to 1960 was 2.8 percent a year. But this is a political period—not an economic period. Nineteen hundred and fifty-two was the height of the Korean war and, therefore, was peaked at an unusually high level; the middle of 1960, as I noted, contained the beginning of a recession. A 3.6-percent growth rate for a period of recovery from a recession, like 1961–62, is nothing to boast about. It is notable that the President fails to give us the dates of the "earlier postwar growth rate of 4½ percent." One really has to juggle economic periods and figures to arrive at this 4½ percent

figure. By similar juggling, one can show that there was a minus growth rate beginning with the peace year of 1947 and ending with 1949, before the Korean war started.

The comparison with Western European growth rates is a real case of apples and oranges. Even the general public is becoming aware of the chicanery that has been employed by those indulging in the dangerous game of growthmanship.

The President's report goes on to say:

When in spite of achieving record corporate profits before taxes of $51 billion in 1962 against a previous high of $47 billion in 1959.

I will not quarrel with this point too much except to point out that corporate profits should be related to corporate investment if we are to get a meaningful picture. Corporate investment has increased considerably over the years and profits in relation to dollars invested is not a very gratifying picture either in 1959 or 1962, in spite of the high absolute figures.

The report continues:

When, in spite of a rise of $28 billion in wages and salaries since the trough of the recession in 1961 with next to no erosion by rising prices.

This is a false statement, when coupled with this statement—page XIX:

Rising prices from the end of the war until 1958 led the American people to expect an almost irreversible upward trend of prices.

In this context, a consumer price rise of 1.1 percent a year, which marks the years 1961–62, is not "next-to-no erosion." Here are the facts. The big postwar inflation was stopped by the Federal Reserve-Treasury Accord of 1951. From *1952 to 1956* we had a 4-year period when the rise was only slightly more than 0.5 percent a year. The total period from 1951 to 1958, the date chosen for the President's statement, shows an average price rise of 1.4 percent a year, not much different from the 1.1 percent "next-to-no erosion" figure or from the 1.2-percent rise from 1958 to 1960. To obtain the proper perspective, let's look at the massive post-World War II price rise which ended in April 1951. From 1945 until the Federal Reserve-Treasury Accord of 1951, a 6-year period, the rise was 4.6 percent a year.

The primary issue that we must grapple with in the President's Economic Report is his assumption that we are in "a period of sluggishness dating back to 1957." The date 1957 is really unimportant, except that it is a switch from the date first used by those who began to advance the "sluggish, tired-blood" economic theory. It used to be 1953. It is intriguing to guess why the date has been changed from 1953 to 1957. Is the period 1953 to 1957 no longer to be tagged "tired and sluggish?"

The tired-blood theory states that the economy is "still falling substantially short of its economic potential." The economic potential is computed from an economic model using as full employment the labor force estimate with 4 percent unemployment and with an assumed "full" plant utilization, whatever that might be. Then the going productivity rate and the growth in the labor force is superimposed upon the actual performance of the economy, utilizing whatever percentage of the labor force and plant it did use, as measured in gross national product.

To measure the "gap," what our economy should have done under "full employment" in relation to what it did do, the theorists originally took an economic period when unemployment was 4 percent as a base and then projected it forward to see what the gross national product would be if 4 percent unemployment had prevailed; 4 percent unemployment is deemed to be "full employment" under this theory. Dr. Arthur Burns pointed out the basic errors in this economic model by demonstrating that if one took other periods when 4 percent unemployment prevailed different "gaps" would show up—see daily CONGRESSIONAL RECORD, April 27, 1961, page A2885. Dr. Burns took a second look at the theory in an article August 1961 which I am placing in the RECORD, following these remarks. Nonetheless, the promoters of this theory have simply moved out of the field of economics into the field of politics where they continue to try to sell it. President Kennedy has bought this theory and is basing his economic policy upon it. It is, therefore, no longer an academic question, but one of stark reality with important policy implications.

Throughout the President's report reference is constantly made to unused manpower and unused plant. The assumption of the gap theory is that the manpower and the plant could and would be used immediately if consumer demand increased. The theory says consumer demand would increase if consumer purchasing power were increased. Using these assumptions, the President's solutions to increase consumer purchasing power is the use of governmental machinery (a) to keep Government expenditures up (b) to reduce taxes. His advisers would add, in accordance with their theory, deliberately created big Federal deficits to accomplish this. Of course (a) and (b) are bound to result in huge deficits. But the President shies away from this admission.

It is my thesis that our economy, far from suffering from tired blood and sluggishness or from having gaps, is actually experiencing acute growing pains. Our technological growth has been so rapid that the incidence of plant obsolescence and skill obsolescence has increased rapidly. Idle plant is essentially obsolete plant; idle manpower is manpower with obsolete skills. This phenomenon is so apparent to everyone that we have coined a term to describe it, automation. By failing to identify the problems that this kind of rapid technological growth creates, we have been applying remedies for tired blood. But this aggravates rather than solves the problem. The remedies applied and the further remedies the President recommends may, indeed, eliminate the growing pains by eliminating the growth.

To determine whether the President's theory of a tired-blood economy is correct, let us look at the assumptions upon which it is based, unutilized manpower and plant capacity.

Let us take a look at the agricultural sector. Here we find a very high incidence of both technological growth and unemployment. Here we find vast idle "plant capacity," with the Government spending vast sums of money to take even more of the plant capacity out of production, not to increase the percentage of plant capacity usage where the Government policy is designed to make farming skills obsolete and those possessing them unemployed. Will increased consumer purchasing power put the displaced farmer back to work in agriculture or slow down the rate of displacement of farmers? Will increased purchasing power put more farmlands back in production? I think the answer is quite obvious; it will not do anything of the sort. Our doctors are telling us to eat less, not more. So what is a farmer who has an obsolete skill to do? Farm? What are the owners of the excess plant capacity to do with that plant capacity? Grind out more salt to make our gross national product figure look bigger and close the economic "gap"? We can go to Russia to get a solution. Have the Government take over the planning. This would stop economic growth in this area and eliminate the growing pains. We could then end up having 50 percent of our population again employed in agriculture, instead of about 7 percent. We could also get the economic laws based upon scarcity back into play because farm production would be diminished and increasing consumer purchasing power would automatically be translated into consumer spending for the limited agricultural produce available.

Fortunately, however, our economy is growing, even in agriculture.

There is a need for a further increase of plant capacity, for further capital investment, for more research and development, and for more manpower and training to increase productivity for efficiency's sake. This will bring new and different products to the market—more meat and less potatoes; it will provide more processing and preparation of the product to save the housewife time and provide the household tastier meals; it will provide better packaging and preservation, and so forth; and it will reduce the price of all these items, if we will permit the marketplace to operate.

Let us look at another large area of economic endeavor, the steel industry. Steel is frequently pointed to as a prime example of idle plant capacity. It has been operating at less than 60 percent of capacity, and with a high level of unemployment, if we base employment figures on the men who used to be employed in this endeavor.

The gap theory says that if our steel industry operated at 90 percent, instead of 60 percent of capacity, then the gross national product would increase and more people would be employed. But the question is, capacity to produce what kind of steel? Steel is of all kinds and qualities. What kind of steel does this rapidly growing dynamic economy of ours want? The steel which our present plant can produce, if operating at 90 per-

cent? Hardly so. Steel companies operating at 60 percent of this so-called capacity spent a billion dollars last year to increase capacity. This capacity does not duplicate the plant capabilities which constitutes the unused capacity. The new capacity is to produce a thin sheet steel to compete with plastics, aluminum, and other materials which in this rapidly advancing and growing economy have been pushing steel out of some of its old markets.

What will increased consumer purchasing power do for the steel mills operating in a period of one of the highest automobile years ever, a continued high rate of construction of all kinds, highways, industrial plant, housing, schools, and other municipal buildings, and military?

What about the coal miners and the so-called depressed areas? Will increased consumer purchasing power put coal miners back to work? Hardly, not with the gas and electric industries expanding to provide what the consumer wants. If we leave frictional unemployment unattended by failing to retrain those with obsolete skills—skills no longer in demand—in a timely way, we will get structural unemployment. We have left the frictional unemployment in the coal mining industry unattended for too long a time.

If we treat unemployment in the aggregate, as if it were cyclical, instead of breaking it into its frictional components, we certainly will help to freeze it into structural unemployment as we have done time and again. That is one of the penalties we pay for a faulty diagnosis, identifying a condition of rapid economic growth as one of tired blood.

The President said:

> As I took office 24 months ago the Nation was in the grip of its third recession in 7 years; the average employment rate was nearing 7 percent; $50 billion of potential output was running to waste in idle manpower and machinery.

The truth was that when he took office the recession had bottomed out and that the idle manpower and machinery were essentially unusable manpower and machinery because the manpower was not trained for and the machinery was not designed for the rapidly changing demands of the marketplace. The potential lay in training the idle manpower in skills that were in demand.

It has been estimated that about 30 percent of the goods and services available to the consumer today were unknown 5 years ago. It is these new and improved goods and services which are in demand, and in short supply, not the outmoded goods and services which the idle plant capacity is capable of producing. It is in producing these new goods and services where the jobs are going begging.

During the past recessions consumer purchasing power continued to rise; in the recession years of 1960 and 1961 disposable personal income rose from $337 billion in 1959 to $349 billion in 1960 to $363.6 billion in 1961 to $382.7 billion in 1962, an average yearly increase of better than $15 billion, compared to the average yearly increase from 1945 to 1962 of $13.6 billion. The rate of personal saving since 1950 averages out to about 7.2 percent. No case for inadequate consumer purchasing power can be made out of these figures. This should be compared to a savings rate of less than 3 percent—2.9 percent—for 11 years from 1930 to 1940, which provides some basis for claiming that a lack of consumer purchasing power and hence a lack of consumer demand lay behind the New Deal depression.

The President argues that increasing consumer purchasing power will not create inflationary pressures in a period when there is idle manpower and idle machinery.

Again, it becomes important to determine whether there is truly idle plant and human skills. Is the idle manpower trained to produce the goods and services in demand? Or is it trained in obsolete and undeveloped skills? Are the idle machinery and plants designed to produce the goods and services in demand or to produce buggies and buggy whips? In the areas where there is real consumer demand, which are the areas of new products and new services, the result of traditional inflationary pressures show up in the Consumer Price Index in increased prices. And they show up in the employment sector in a growing level of employment.

Throughout the postwar period, through recessions and recoveries, the cost of services continued to rise steadily in the Consumer Price Index. Similarly, we see a constant increase in employment, even during recessions, in the service sector. We see a great demand for workers going unfilled in the fields of health, welfare, education, and in research and development. In the help wanted sections of the Sunday newspapers, thousands of jobs are going begging; employers are spending money trying to get workers to fill jobs. Many employers did not even trouble to advertise; the new skills are not to be had; they just train the people themselves. One company alone, IBM, is spending $50 million a year in training and retraining workers in the skills needed by our rapidly growing economy.

The truth is that automation creates more jobs than it displaces. The difficulty lies in the fact that the new jobs are frequently hundreds of miles from the area where the jobs rendered obsolete were located and are almost invariably in a different field of endeavor.

Now what is massive Federal governmental spending or tax cutting, which is predicated upon the theory that this will increase consumer demand by increased purchasing power, going to do to alleviate these growing pains? Obviously these proposals will be scattershot. We need rifles. Scattershot of this nature will damage the work that is being done in the private sector to meet the real needs.

The President says in an unusually candid outburst:

> It is frustrating indeed to see unemployment rate stand still even though the output of goods and services rises.

It would not be frustrating if an analysis were made specifically where the output of goods and services was rising and where it was not. I believe the primary difficulty of the Kennedy administration, as exemplified in the President's Economic Report, lies in its failure to break down the aggregate economic statistics of employment, unemployment, plant capacity, and so forth into their component parts to see what is really going on.

The President's report goes on to say—p. XII:

> Yet past experience tells us that only sustained major increases in production can reemploy the jobless members of today's labor force, create job opportunities for the 2 million men and women entering the labor market each year, and produce new jobs as fast as technological change destroys old ones.

Past experience will surely mislead us in interpreting what is going on in our dynamic economy today because what we are experiencing is new. This appeal of the New Frontier to the past is strange, yet it really marks where its mind lies in spite of its bold semantics. Today we will not "reemploy the jobless" coal miners or the displaced farmer unless we go backwards. On the other hand, the jobless coal miner, the displaced farmer, and other people with obsolete skills are actually our greatest resources to fill the jobs going begging. It is not the increases in "production," but the increases in services and white collar work, which are creating the new job opportunities for the young men and women entering the labor force. Furthermore, automation is doing a great deal more than "producing new jobs as fast as technological change destroys old ones;" it is creating so many more jobs than it destroys that we are having difficulty in training people to fill them. The result is that we have more jobs going begging than there are unemployed to fill them.

Far from having a labor surplus in the United States, we have the same labor shortage that has been traditional since our Nation began. Also, in accordance with tradition, we are filling many of the new jobs, many requiring high skills, with immigrants.

The President in his economic message says nothing about some of the things the Federal Government most needs to do. These things do not cost much money, it must be admitted, and therefore will not help much in creating Government deficits to create purchasing power for the people. For example, the updating of the Labor Department's dictionary of skills and the establishment by the Bureau of Labor Statistics of a new statistical series showing the number of unfilled jobs to match alongside of the number of the unemployed. The report says nothing about the work which the Department of HEW should do to update the Federal vocational education programs and which the Department of Labor should do to update apprentice training. Nor does it suggest that the two departments coordinate these tasks in order to get these programs out of the rut of training people in skills already obsolete. They should be training for skills which have come and are coming into demand.

Different agencies of the Department of HEW talk about the shortage of teachers, of nurses, of welfare workers,

of technicians and research people while the Department heads at the top wring their hands over the number of unemployed.

The President, in speaking of the remedies he suggests to cure our "tired blood," states—page XVII:

Fourth, apart from direct measures to encourage investment, the tax program will go to the heart of the main deterrent to investment today; namely, inadequate markets.

Inadequate markets are by no means a deterrent to investment today. The only deterrent is to further investment in obsolete production, production of products which consumers no longer care about because something better has taken its place. This is as it should be. With the amount of money being spent in research and development in the United States today, with the continued increase in the number and variety of the new goods and services available to the public, with the continued high number of new businesses starting out, it is quite obvious that the markets are there. They are adequate if the businessman looks for them; and the statistics show he is looking for them.

The administration in its backwardness has sought to curb the flow of investment to the greatest new markets which have been developed recently, those markets abroad. By tightening the tax laws on U.S. foreign investment in the name of balance of payments, the administration is stunting the growth of healthy foreign investment in those new markets. One of the healthiest items in our balance of payments is the return we receive from our foreign investment portfolio. The administration action in the 1962 Tax Act is a classical example of cashing in long-term benefits in order to take care of a short-term problem. It is bound to damage the economic growth both of the United States and of the countries abroad.

The administration talks about increasing our foreign exports, as if this can be done without increasing our foreign capital investment. Trade cannot be separated from investment. The shallow manner in which the administration has sought to separate the two can only bring about deleterious results. Furthermore, nothing is so deadening to developing markets, foreign or domestic, than governmental competition. In this area alone, the effects of Federal spending have been devastating to growth.

The President's report boasts of an improvement in our balance of payments because we have moved from annual deficits of over $3.5 billion, beginning in 1958, to $2.5 billion in 1961 and around $2 billion in 1962. No mention is made of the part advance debt repayments by foreign nations, which are nonrecurring items, played in this decline. Our balance-of-payments deficits should be related in some degree to the deficit financing policy followed by the Federal Government since World War II, climaxed as it was by the $12.4 budget deficit in 1959. President Kennedy refers to this Eisenhower deficit with considerable frequency when discussing other matters. This deficit was incurred under a Democratic-controlled Congress, I may add, to provide some balance. Why should its impact on our balance-of-payments problem, which began the year before, not be discussed?

Furthermore, it strikes me that the failure of the $12.4 billion deficit in 1959 to stimulate the economy to greater heights, according to the Kennedy formula of greater heights, should have a sobering effect on those who now seek another $12 billion deficit in the hope that this time it will produce such a result. What it will do to our balance-of-payments problem is, of course, completely ignored.

The impropriety of the out-of-context relation in the report of the increase of the Federal debt and Federal spending to the increase in local and State debt and spending must be pointed out. The President uses as his takeoff point for comparing these respective increases 1946, the year after the heavy Federal spending and deficit financing of World War II. To say that this is hardly a proper base of reference is mild. We should look at the ratio of local and State government spending and debt to Federal spending and debt during the 1920's and 1930's and the 1900's, before World War I. We are just beginning to readjust from the impact of World War II back to the normal relationship of Federal expenditures to State and local expenditures.

Total adjusted Government debt in 1960 was $301 billion—$241 billion was Federal and $60 billion was State and local, 79.7 percent Federal and 20.3 percent State and local. Before World War II, similar to tax receipts, the ratios were almost reversed. In 1912 the total Government debt was $5.7 billion, of which 1.2 was Federal and 4.5 State and local, 21 percent Federal and 79 percent State and local. World War I reversed these percentages. In 1922 the Federal debt was 69 percent and State and local debt 31 percent, although the total debt had risen to $33.2 billion. By 1932 the ratio had shifted still further back to State and local debt, that is, Federal 50 percent, State and local 50 percent. World War II brought the ratio to a height of 94 percent Federal to only 6 percent State and local from which it has been declining to the present ratio of about 75 to 25 percent.

Again, within the State and local sector, the shift was rather continuous away from local to State. In 1912 State debt was only 7 percent of the total while local was 72 percent. From this 1-to-10 ratio it moved to 1 to 6 in 1922, and declined to 1 to 3½ in 1960, $5.4 to $18.8 billion. Since 1950 however, the ratio has moved in the other direction, and today it is approximating the 1-to-6 ratio after World War I.

We see that all that is happening is a reversion to the norm after the very abnormal situation created by World War II.

Finally, I wish to point up a similar impropriety in using the year 1946 as a base for comparing the ratio of Federal public debt to the gross national product. Cannot the Kennedy administration distinguish between an economy and a society based upon peace and one based upon war? The constant disregard of war periods, both World War II and the Korean war, in making base comparisons leads one to conclude that the distinction is quite hazy in their minds.

It is no cause for joy to point out that the Federal debt is a smaller percentage of gross national product than it was immediately after World War II. It certainly should be less particularly as so much of the ratio reduction can be attributed to the massive inflation of 1945–51, surely nothing to boast about as far as employment and economic growth and the welfare of the people is concerned. The question is, How much less should it be? Have we done well in reducing it since 1946? The answer is rather clearly that we have done a very poor job. Today we do not have the resiliency we formerly had to move heavily into deficit financing if a major war should require it. In 1941 at the beginning of World War II the ratio was then a high 51 percent after the relatively heavy deficits incurred during the New Deal depression days.

For the sake of the record I am setting forth a chart showing the Federal debt, the gross national product, and the ratio for certain select years.

Year	Debt	GNP (current)	Ratio (percent)
1929	$16.3	$104.4	15.6
1941	64.3	125.8	51.1
1945	278.7	213.6	130.5
1946	259.5	210.7	123.2
1962	304.0	553.6	54.9

Before the Ways and Means Committee studies the tax situation it will have to consider the Federal debt ceiling, which is temporarily at $308 billion. On April 1, 1963, it goes back to $305 billion; on June 25, 1963, it goes back to $300 billion and after June 30, 1963, it goes back to the permanent ceiling of $285 billion. Accordingly the President in his budget message to the Congress said:

I therefore urge prompt extension of the temporary $308 billion debt limit through the remainder of this fiscal year (June 30, 1963).

However, the President is presenting to the Congress a budget for fiscal year 1964 which is $11.9 billion out of balance. His own budget, based upon the rate he says he will spend the money which Congress has given to him and the additional money which he hopes Congress will give him, is $10.3 billion out of balance.

He goes on to say in his budget message:

The deficit foreseen for fiscal year 1964 will add to this increase. The debt subject to limit as of June 30, 1964, is estimated at about $316 billion. To meet our financial requirements and to provide a margin of flexibility, I will request a further increase in the debt limit for fiscal 1964 [to] be determined later this year when a more reliable estimate can be made of the requirements.

Probably $320 billion, if he has his way.

I am hopeful that the Ways and Means Committee and the Congress will make a thorough study of Federal expenditure policy when we consider the President's requests to increase the debt limitation.

THE FRIVOLOUS BORROWER VERSUS THE PRUDENT BORROWER

The President seeks to bolster his plea for deficit financing in this manner—quoting again from his Economic Report, page XIV:

So until we restore full prosperity and the budget balancing revenues it generates, our practical choice is not between deficit and surplus but between two kinds of deficit; between deficits born of waste and weakness and deficits incurred as we build our future strength. If an individual spends frivolously beyond his means today and borrows beyond his prospects for earning tomorrow, this is a sign of weakness. But if he borrows prudently to invest in a machine that boosts his business profits, or to pay for education and training that boost his earning power, this can be a source of strength, a deficit through which he builds a better future for himself and his family, a deficit justified by his increased potential.

This oversimplifies the case and leaves out the question of ability to borrow. Nonetheless, I would be willing to accept this standard to test our Federal expenditure policies.

Are the Federal expenditure policies presented in the President's budget those of a frivolous borrower or those of a prudent borrower? The President merely wants us to assume that his policies are those of the prudent borrower. Let him support his case with fair facts and argument and not shy away from having a congressional review of his expenditure policies.

I believe the United States has become a frivolous borrower. I want to see this national issue, which is so important to our present and future welfare, forthrightly debated in the public forum established for this purpose, the U.S. Congress.

Until this debate has taken place and until the issue has been resolved, it is foolhardy to talk of cutting Federal income at a time when we are borrowing more to meet increasing, not decreasing, Federal expenditures.

[From the Morgan Guaranty Survey, Aug. 1961]

A SECOND LOOK AT THE COUNCIL'S ECONOMIC THEORY

(By Arthur F. Burns)

In my Chicago address of April 21, which was largely devoted to a report by the Council of Economic Advisers released on March 6, I expressed concern about the economic theory that underlies the major policies of the new administration. The Council has now issued a reply to my critique. It is a serious and closely reasoned reply, as was to be expected. But while it clarifies some issues, it beclouds others, and it has left my concern undiminished.

THE CHICAGO ADDRESS

It will contribute to clarity, I think, if I summarize at the outset the main points of the Chicago address:

1. The economic policies espoused by the Council are based on the theory that there is "chronic slack" in our economy, that there is a "growing gap between what we can produce and what we do produce," and that this gap has shown "especially since 1955 a distressing upward trend." Hence, in the Council's judgment, "economic recovery in 1961 is far more than a cyclical problem"; that is, our Nation has to cope not only with a recession and its aftermath, but also with a problem of secular stagnation.

2. Before accepting this theory, it is desirable to examine the evidence cited by the Council in its support; namely, the duration of successive upswings of the business cycle, the level of unemployment at successive cyclical peaks, and the magnitude of the gap between what we can and what we do produce. When this evidence is analyzed, it turns out that the Council's theory rests fundamentally on the fact that the business-cycle expansion of 1958–60 was exceptionally short and incomplete. Although this is a disturbing fact, it provides a slender basis for a theory of secular stagnation.

3. Not only that, but there is a better explanation of what happened between 1958 and 1960 than is offered by the neostagnation theory. Although many factors contributed to the unsatisfactory character of this expansion, three developments were decisive: first, a violent shift in Federal finances after the first quarter of 1959; second, a sharp tightening of credit conditions; third, the protracted steel strike.

4. We have, then, two very different interpretations of recent economic developments. According to the theory just sketched, the early onset of recession was due to special factors that need not be repeated. According to the Council, on the other hand, the early onset of the recession provides one more symptom of the chronic weakness of our economy.

5. The two theories have different policy implications. On the basis of the Council's theory, we face a stubborn problem of chronic slack, and the road to full recovery is a long one. On the basis of my interpretation, the current problem of recovery is not very different from the problem we had to face in 1949, in 1954, and again in 1958.

The rest of the Chicago address dealt with policy issues explicitly. Before returning to this subject, it is desirable to stop and see whether, or in what degree, the basic issues of fact and interpretation have been resolved by the exchange of views.

THE COUNCIL'S REPLY

One way of reading the Council's reply is as follows: Since the Council agrees with the interpretation of the incomplete expansion of 1958–60, which I had presented as an alternative to its theory of a growing gap between what our Nation can produce and what it does produce; since the Council no longer speaks of a distressing upward trend in the gap, nor of chronic slack in the economy; since the Council's defense of the evidence originally presented to support its theory is confined to the statistical procedures of estimating the gap; since even this defense emphasizes the size of the gap in the fourth quarter of 1960, when the existence of a gap of some size is not in dispute; since the Council no longer claims that the problem of recovery in 1961 is far more than a cyclical problem; since the Council also agrees that the problem of speeding recovery is not very different from that faced in earlier recessions of the postwar period, but merely urges that we try to benefit from past mistakes; since the desirability of achieving a higher rate of economic growth or of meeting urgent national requirements, such as a stronger defense, is not at issue; in view of all this, it would be possible to conclude that the Council and I have now reached substantial accord in our diagnosis of the State and needs of the American economy.

Regrettably, this is not the only way of reading the record. All things considered, it is better to take the Council at its word on what is chiefly at issue than to speculate on the precise meaning of its pronouncements or reticences on subsidiary issues. The Council states plainly, and without any qualification, that it considers its earlier analysis to be "sound" and my criticism "mistaken." Not only that, but the Council defends stoutly its gap estimates and even refers, in the course of discussing a technical point, to "the growing gap." Since it is clear that the Council believes its own gap estimates, it must still believe that, quite apart from the recession, there is chronic slack in our economy. It must still believe that the gap between what we can produce and do produce has been growing, that economic recovery is therefore far more than a cyclical problem—in short, that unless the Nation attends to the Council's warning, our economy faces a problem of secular stagnation. The Council's theory has not lost its true character—nor its capacity for good or evil—by appearing in a more technical dress.

INTERPRETATION OF THE POSTWAR PERIOD

In the Chicago address I attempted to test the soundness of the Council's theory by examining the individual blocks out of which the theory is built. I doubt whether much enlightenment can be gained by discussing in detail the individual points of the Council's reply. It will be more useful, I think, to take another look at the general architecture of the Council's theory, and to test it by examining its implications for events about which we have some definite knowledge. If the Council's theory is sound, it should provide a reasonable interpretation of the American economy in the postwar period. Let us see whether it does this well enough to serve as a guide to current policy.

According to the Council, the potential output of our economy has grown at an annual rate of 3.5 percent since the first quarter of 1953. The Council's report of March 6 shows these estimates in graphic form, quarter by quarter, through 1961. In earlier years, that is, between 1947 and 1953, the growth of potential output is said to have been more rapid, proceeding at an annual rate of 4.3 percent. Although the Council has not presented estimates of potential output for the earlier period, this can easily be done by splicing the 4.3 percent growth curve to the 3.5 percent growth curve in the first quarter of 1953.[1] With these records at hand, we can see how the actual output of our economy differed from what the Council tells us was its potential output, quarter by quarter, since 1947.

This comparison leads to the following results: From the beginning of 1947 through the first quarter of 1951, actual output was below the potential output. From the fourth quarter of 1953 through the second quarter of 1955, a gap again emerged. Finally, starting with the first quarter of 1956, a gap appears in every quarter up to the present time. The Council has summarized the record since 1953 by reporting that, "especially since 1955, the gap has shown a distressing upward trend." The Council has not commented on the gaps of the earlier period. But it is clear that, if the Council is right, the gap has persisted even longer than it has reported. Indeed, it appears that our Nation has suffered from insufficient spending—let us keep in mind that the Council attributes the gap to a deficiency in total demand—throughout the postwar period, except for the interlude of the Korean war and a few months in 1955. Or to put this conclusion in another way: with one very minor exception, the American economy of our generation has succeeded in escaping from its chronic, persistent slack only during wartime.

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[1] The Council reports that, between the first quarter of 1947 and the fourth quarter of 1953, real output grew at an annual rate of "nearly 4.5 percent" and that "this is a reasonable approximation to the rate of growth of potential during the early postwar years." Since the Council's appendix shows that "nearly 4.5 percent" means 4.3 percent, I have used the latter figure. I have spliced the 4.3 percent curve to the 3.5 percent curve in the first instead of the last quarter of 1953, because the Council's explicit estimates of potential output are already based on the 3.5 percent curve back to the first quarter.

This picture of the American economy as being characterized by chronic slack, caused by a chronic deficiency of demand, strikes me as a caricature. I may, of course, be mistaken. But I simply do not know how to reconcile this picture with the growth of our gross national expenditure, which more than doubled between 1947 and 1960; or with the increase of indebtedness, counting both the private and public sectors, from about $400 billion at the start to almost $900 billion at the end of this period; or with the rise of the consumer price level by nearly 40 percent, of which only about a third occurred during the Korean war; or with the growth of real output of about 60 percent; or with the growth of employment of nearly 10 million; or even with an average unemployment rate of 4.96 percent—an average which omits the protracted Korean episode, but includes all the recessions of the postwar period, and is based throughout on the current definition of unemployment, rather than the more restrictive definition which ruled until the end of 1956.

These doubts are not relieved when I contemplate the remedy, required by the Council's theory, for the allegedly chronic deficiency of demand. This remedy takes no account of the specific causes of the deficiency. It calls merely for the application of "standard fiscal and monetary measures"—in other words, lower interest rates, a more rapid increase of the money supply, larger Federal expenditures, possibly also lower tax rates, in one combination or another. Surely, expansionary fiscal and monetary measures were not neglected during the postwar period. But if the Council's theory is right, they were applied on an insufficient scale or less steadily than the proposed governor of policy—that is, the gap in demand—required. Even in years of boom, such as 1947 or 1956, it appears that the Government would have needed to augment the Nation's aggregate demand.

But if such policies had been followed, would not the pace of inflation have been faster, perhaps very much faster? I have no doubt that, in these circumstances, the rate of unemployment would now and then have been materially reduced. Yet I find it difficult to believe that the average rate of unemployment over the entire period would have been any lower, or that the average rate of economic growth would have been any higher, or that the distribution of our national income would have been more conducive to general welfare, or that the deficit in our balance of payments would have been any smaller, or that the dollar—which has come to serve as an international reserve currency—would still command much respect.

The test of experience to which I have subjected the Council's theory is not very reassuring. If it be thought that the test is severe, I can only say that a theory designed to guide the Nation's economic destiny deserves nothing less. However, the implications that I have drawn from the Council's theory must not be confused with the Council's own thoughts about this or that year or years. I should expect that, when faced with an actual situation, the Council would neither take its computations as literally as I have, nor carry out the logic of its theory as remorselessly. However that may be, it appears from my test that the Council's method of diagnosing the state of the economy and its prescription for filling arithmetically contrived gaps in demand can lead to serious errors of policy.

POLICIES FOR ECONOMIC RECOVERY

Equipped with a theory of chronic slack in the economy, lacking faith in the capacity of private enterprise to generate full employment, anticipating a slow recovery, the Council has—quite logically—been urging a rapid expansion of Federal spending. My differences with the Council on the budgetary issue run deeper than the Council has indicated.

Let us note what is happening to Federal expenditures. Each official estimate of recent months has been a notch above the preceding one. The latest increase came on July 25, when the President announced that an additional appropriation of $3.5 billion would be requested of the Congress. Before this announcement, Federal cash payments to the public during the fiscal year 1962 were expected to be $7.8 billion higher than in fiscal 1961, when they in turn were $5 billion higher than in fiscal 1960. Again, just before July 25, the Federal cash deficit was expected to reach $4.8 billion this fiscal year. Allowing for upward revision of revenues, the deficit may now be estimated at $6.5 billion.

It may well be that the deficit will turn out to be still larger. Reversals of expenditure policy frequently result in overshooting the mark set by fiscal authorities. The present Congress seems reluctant to grant all the additional revenue the administration has requested. More serious still, as the international situation leads to new and perhaps much larger spending on national defense, it is by no means clear that governmental outlays on objects of lesser utility will be curbed. The Council has stated that "all governmental programs must meet the severe test of social priority relative to other public and private uses of the Nation's economic resources." It does not appear that this test is proving very severe. Just one day after the President made his momentous address on July 25, the House Labor Committee voted for a Youth Conservation Corps along the lines of the Civilian Conservation Corps of the depressed 1930's. The climate for larger governmental spending is now good, and the Council has helped to provide a theoretical justification for it.

Whether or not my speculations turn out to be valid, it is clear that Federal finances—as was to be expected on account of the recession—have recently deteriorated. Allowing for seasonal factors, the Federal cash budget registered a surplus at an annual rate of about $5 billion in the third quarter of 1960. From January through May of this year, however, a deficit at an annual rate of nearly $7 billion has emerged. A sharp turnaround in Federal finances has therefore already occurred. And the deficit is not only growing, but for some months must continue to grow.

Meanwhile, the economy at large has been experiencing a revival since February. The recovery is widespread and is proceeding at a rather brisk rate. Total production already exceeds the prerecession peak, and the total employment is not far behind. It appears, therefore, that the bulk of the new spending commitments by the Federal Government will come to fruition, not in a time of recession for which many of them were intended, but when recovery is well advanced and the economy is expanding of its own momentum—perhaps when it is already booming. New or additional governmental programs characteristically require only a modest expenditure at the start, then grow rapidly as the organization of the new activity is worked out. The full fiscal consequences of the new spending ventures lie, therefore, very much in the future.

But if governmental spending programs have a typical life history, so also has the business cycle. One of the normal features of business cycles is that the general price level tends to rise during expansions. Perhaps the present upswing will prove an exception, but as yet I know of no evidence to support this supposition. With the private economy recovering, with Federal spending already rising swiftly, with expectations of inflation beginning to spread once again, I see a greater likelihood of an upward spurt in the price level during the coming year or two than does the Council. Under ordinary conditions, having become accustomed to creeping inflation, we might not worry about another limited rise of the price level. But the state of our international balance of payments has complicated matters. In view of its precarious conditions, even a modest renewal of inflation could now prove very troublesome. If our export surplus should decline appreciably, while the Government continued a policy of steadily filling calculated gaps in demand, insistent pressures may arise for fact-finding boards to review planned increases of wages and prices—which would, of course, be a step toward reshaping our economy along lines of authoritarian control. Few people want such a change, certainly not the President or his Council of Economic Advisers, but economic and political forces released by our fiscal policies could move our Nation in this direction.

It is true, as the Council has pointed out, that the Federal deficit in sight for fiscal 1962 is considerably smaller than it was in fiscal 1959. But what concerns me is that, in spite of the deterioration of our international financial position since 1958, the governmental approach to recession in 1960–61 has been so similar to the mistaken approach of 1957–58.

Now as before, a quick reduction of taxes was talked about but never made. Now as before, the main emphasis of governmental policy has been on raising expenditures. Now as before, the spending stimulated by recession will outlast it. Now as before, programs to accelerate expenditures have proliferated—with more not only for defense, but also for public works, housing, education, research, unemployment compensation, and so on. Now as before, decisions to increase spending have not been taken all at once. Now as before, they have come in a long series, spread out over months, with few items of impressive magnitude taken by themselves. But when all the scheduled expenditures were finally added up in late 1958, they came to a much larger total than had been planned or advocated by our fiscal authorities. There is still hope that this will not happen when the accounts are struck late this year; but I cannot overlook the unexpected spurt of expenditures toward the end of fiscal 1961, or the fact that official estimates for fiscal 1962 have already had to be revised upward several times.

I have recalled the recession of 1957–58 because governmental policies for dealing with it have had consequences from which, in my judgment, our Nation is still suffering. In late 1958 the European financial community, discovering that our money supply was rising sharply and the Federal deficit piling up at a time when our export surplus was dwindling and gold flowing out, first began to whisper serious doubts about the future of the dollar. The need to quiet this concern and prevent a possible gold crisis was largely responsible for the highly restrictive fiscal and monetary policies put into effect in 1959. These policies inevitably involved a risk of slowing down our economic expansion to a point that could lead to recession. As events turned out, they, together with the steel strike, did in fact lead to a mild and brief recession. The Council and I agree on this point. However, the Council also believes, if I have understod its thinking correctly, that the expansion could have continued to roll on during 1960 if only the Government had undertaken larger spending in 1959, instead of curbing outlays.

But would not such a policy have hastened the economic and political disaster that the Government sought to avert and in fact did avert? The heart of the problem of economic policy in early 1959 was that in the eyes of investors, particularly foreigners who do not need to continue holding billions of dollars here, our Government was already

spending too much. It was the very fact that governmental spending kept climbing long after the recession had ended, with the cash deficit soaring to an annual rate of over $15 billion in the first quarter of 1959, which caused fears of inflation and of possible devaluation of the dollar to spread, thereby forcing an abrupt shift of policy. I fail to see how the Government could responsibly have followed any other course in 1959, although I do think that the shift need not have been so abrupt. It was not in 1959 that the fundamental mistake was made, but rather in 1958 when new governmental programs were piled up with little regard to their cost or future consequences.

The lessons of this recent episode should not be lost on us. It is precisely because the ways in which we fight recession have longer-run consequences that we must not permit even compassion for the unemployed to lead us into actions which, while immediately beneficial, may seriously injure the entire population a little later. At a time such as this, when the possibility of a devaluation of the dollar is widely discussed in business and financial circles, I do not think it is prudent to continue enlarging Federal spending programs. Since defense outlays must go up, other programs should be cut. Since our economy is recovering and employment is again rising, we can with good conscience subdue our impatience for economic improvement. Past experience is a very imperfect guide to the future, but I think that it can serve us better than the Council's bleak forecast based in its projections of potential output.

If the current expansion follows anything like the rule of postwar recoveries, and this assumption seems no less reasonable today than it did 3 months ago, our economy should come close to having full employment toward the end of next year.

PROBLEM OF ECONOMIC GROWTH

The time has come to stop fighting the recession, to say nothing of fighting it on the theory that it is superimposed on a chronic deficiency of demand. Let us concentrate economic thought instead on a real problem, that of increasing the average rate of our economic growth. The Council has rightly been devoting a good deal of attention to this longer-range problem. Its call for a "high-investment economy, a high-research economy, a high-education economy" makes good sense to me, although I am not entirely happy with the apparent implication that the only path to greater future efficiency is to spend more public or private money currently.

The prosperity of a nation depends basically on the energy and skill with which people apply themselves to production—in other words, on the amount of work that is done and the efficiency with which it is done. The Government can sometimes influence the outcome favorably by doing more and spending more, but it can sometimes also do so by spending less. The success of governmental policies to spur our economic growth will depend primarily on how effective they are in increasing confidence in the economic future, thereby stimulating people to use their brains, energy, money, and credit in building today for a better tomorrow.

To achieve a higher rate of economic growth, we need to give no less attention to the reduction of governmental obstacles to growth than we give to the devising of new governmental stimuli to growth. Whatever the defects of our public expenditure programs may be, whether on the quantitative or qualitative side, the Executive and the Congress at least go through the process of reexamining most of them every year. As far as the tax structure goes, there is much greater reluctance to rock the boat. Except for occasional and marginal adjustments, we have continued year after year a tax structure that practically every student knows is seriously defective. It is high time to carry out a thorough-going tax reform—a reform that, among other things, will serve to improve the economic climate for enterprise and investment at large, instead of on a curiously selective basis, as in the administration's recent proposal.

Of the many reforms that are needed, I think two are especially important. First, the tax rules governing depreciation need to be amended, so that they will take realistic account both of our technological revolution and of inflation. Second, the tax rates on personal income, which for some brackets of income are nearly confiscatory, need to be generally and gradually reduced, so that personal incentives to great effort will be strengthened and the energy now expended on tax avoidance schemes may be turned back into productive channels. It should be possible to carry out such reforms without impairing tax revenues beyond the initial year. But if this cannot be done, a low but broadly based excise tax will produce substantial revenue without blunting the incentive to enterprise.

I agree with the Council that we need to enlarge the national effort devoted to scientific research and basic education, but I feel that we need also to become far more efficient than we have been in conducting our educational enterprises. We need to hasten adaptation to changing technology by undertaking extensive training programs for unskilled workers in our individual communities, as well as retraining programs for industrial workers whose skills have become obsolete. It also would be constructive to stimulate the smaller firms, which are counted in the millions, to practice greater efficiency. With proper organization, our colleges of business administration should be able to render much the same kind of assistance to small businesses that our agricultural colleges have over many years rendered to farmers.

We need to become less tolerant of the wasteful practices that we have allowed to develop all around us. I am referring not only to restraints on efficiency imposed by trade unions in railroading, construction work, and other industries, but also to the featherbedding not infrequently practiced by business executives, and to the roadblocks to efficiency that have been put up by our Government, of which the farm program is only the most notorious example.

Since economic growth is bound to proceed unevenly, we must try to stiffen the resistance of our economy to occasional setbacks. In 1958 and again this year the Congress extended the duration of unemployment benefits, although it did so through tardy improvisations. Before the next recession strikes, as in time it probably will, our country should at least be armed with an unemployment insurance system that covers practically all wage earners and automatically provides for extended benefits during periods of abnormally large unemployment. The President has wisely recommended legislation that would move our Nation in this direction.

Under present conditions of world competition, a reasonably stable price level would also help to promote the long-term growth of our economy. It would therefore be desirable to amend the Employment Act by specifying that it is the continuing policy of the Federal Government to promote reasonable stability of the consumer price level as well as maximum production and employment. Such a declaration of moral purpose would help to assure everyone, both in our country and abroad, that our Government has a proper concern for the future as well as the present.

These are some of the things that need to be done to enlarge and sustain prosperity. But as we work for a better future, let us not exaggerate the shortcomings of our economy or belittle the achievements of the past. In the postwar period our economy has extended, if not improved on, its historic rate of growth. It has demonstrated its great resilience by speedily filling the gap left by declining Federal expenditures when World War II ended and, a few years later, when the Korean hostilities came to a close.

Perhaps the greatest economic triumph of our generation, although we too often show little appreciation of it, is the reduction of the swings of the business cycle and the blunting of their impact on the lives and fortunes of individuals. We should strive to do still better in the future, and I am hopeful that our efforts will be rewarded by success. But if it turns out that we fail to achieve all the improvements we seek during the 1960's, yet do no worse than in the 1950's, our accomplishment will still be very substantial and require neither remorse nor apology.

APPENDIX

I am appending the following notes for readers whose interest may center on technical points. They deal primarily with the gap estimates and with alternative methods of estimating when full employment may be reached. I have also added a few remarks on the theory of secular stagnation and recovery policies.

THE GAP ESTIMATES

The Council's gap estimates, starting in the first quarter of 1953, were derived by equating potential output to the actual output in mid-1955, then allowing the curve of potential output to ascend at an annual rate of 3.5 percent, and handling the period back of mid-1955 in similar fashion. The gap is simply the difference between actual and potential output.

In the appendix to its report of March 6, the Council spoke of its estimates of potential output, including the historical estimates, as being based on calculations that "are at best hazardous and uncertain." The text of the Council's report, however, did not heed the warning of the appendix, thus making my and other criticism inevitable. Now the Council makes a larger claim for its estimates of potential output; namely, that they are "reasonable," that they are "derived from careful quantitative studies," and that it therefore has "confidence in its trend projection."

On what quantitative studies, it is pertinent to inquire, did the Council base its estimate of an annual rate of growth of 3.5 percent in potential output? The Council gave a sketchy answer to this question in its original report and no information has been added by its reply. What, then, is the visible basis for the confidence which the Council now expresses in its historical estimates of potential output? The answer to this question consists of two parts.

First, the Council reports that these estimates imply "gaps which bear a close and reasonable relation to observed rates of unemployment in 1960 and previous years." This claim is excessive. According to the Council, an unemployment rate of 4 percent marks a period as having full employment. In mid-1955, when the unemployment rate was about 4 percent, the Council's estimate of potential output shows virtual equality with actual output, as it should. But when we move on, we find that the estimates of potential output soar above the figures of actual output throughout 1956 and throughout the first half of 1957, despite the fact that the seasonally adjusted unemployment rate in 11 of these 18 months was as low as, or lower than in mid-1955 (when it was 4.1 percent). These oddities suggest that 3.5 percent overstates the annual growth of potential output, or that a exponential curve is a poor representative of potential output, or else that the concept of potential output

itself requires modification. Even the Council's own equation, relating the unemployment rate to the gap, suggests that something is wrong. According to this equation, the gap vanishes at an unemployment rate of 3.7 percent, not—as it should by the Council's logic—at 4 percent.

The Council's report that its estimates imply "gaps which bear a close and reasonable relation to observed rates of unemployment" evidently means merely that the configuration of its gap estimates through time bears a general resemblance to the configuration of unemployment rates. But if this is what the Council means, no uniqueness attaches to its estimates; that is to say, several or many sets of historical estimates will meet this loose criterion equally well. For example, a curve of potential output ascending at an annual rate of only 3 percent, similarly pivoted in mid-1955, will certainly do so. I might add, for whatever it may be worth, that this 3-percent growth curve implies a gap of 5.3 percent in the fourth quarter of 1960, in contrast to the Council's reported gap of 8 percent.

Let us turn to the second part of the Council's visible evidence in support of its historical estimates of the gap. This consists of the finding that the several illustrative trends, which had figured in my criticism, yield gaps that do not bear a close and reasonable relation to rates of unemployment. The Council concludes that "this evidence strongly confirms" that its "choice of a trend line for potential output was not capricious." However, quite apart from the fact that none of my illustrative trends was suggested as a proper measure of potential output, a finding—whether well grounded or not—that these trends are faulty can tell us nothing at all about the statistical virtue of the Council's trend line for potential output.

The Council's own judgment in the appendix of its report of March 6 appears to be correct; namely, that its estimates of potential output "are at best hazardous and uncertain." It is difficult to see how estimates of this type could be anything but hazardous. Potential output, according to the Council, is "the output which could be achieved at reasonably full employment." Taken literally, this must mean that the potential output of a given period is the sum of (a) the actual output, (b) the additional output that could be achieved if the unemployment rate were 4 percent instead of, say, 6 percent, and (c) the further addition to output that could be achieved through greater efficiency of both labor and capital—apart from that which might be induced by (b). In this full sense, potential output is indefinitely larger than the sum of (a) and (b), this sum being what the Council has in mind by potential output. But even the latter quantity raises formidable difficulties. As far as (a) is concerned, we presumably know what it is. But how can we tell the magnitude of (b)? Not only is no answer given in official statistical publications, but no single true answer to this question is possible.

After all, the structure of a nation's output keeps changing. This is a particularly important feature of a free economy where people's demand may shift from automobiles to clothing to travel or whatnot. If the extra demand, which is implied by assuming that the unemployment rate comes down to 4 percent, were supplied by high-productivity industries, (b) would be one quantity. If the extra demand were concentrated on services supplied by low-productivity industries, (b) would be another and perhaps much smaller quantity. Nor is this the only theoretical difficulty. The magnitude of (a) in any specific period must depend, among other things, on the relations among the prices of both final products and productive services during this and earlier periods. But once we assume that (b) emerges, the price relations that played their part in determining (a) will no longer be what they were. Hence, (a) itself cannot be treated as a datum. In short, unless we specify the precise assumptions concerning the economic processes involved in making total output something other than what it was or is, the magnitude of potential output is strictly indeterminate. And once we set out the assumptions of a working economic order, although a unique result becomes possible, it would still be necessary to assess the significance and relevance of the assumptions.

I have no illusions about the difficulties surrounding a theoretically valid approach to the problem of estimating potential output—even in the Council's restricted sense. I recognize that if the task of measurement is actually undertaken, some vigorous short cuts such as the Council used are unavoidable. I do not rule out the possibility of getting dependable results by this approach. However, I have reason to believe that even an improvement on the Council's method—that is, a multiple correlation of output, time, and the unemployment rate—will yield gap estimates that have an uncomfortably large dispersion. This is certainly the case with the Council's method, as chart 5 of its report of March 6 indicates. If all this is true of descriptions of the past, it should be still more true of projections for the future. At any rate, the enormous differences in the estimates of potential output obtained by students who have concerned themselves with this problem shout warnings about the pitfalls that surround this field of measurement. I do not believe that the art of estimating potential output has reached a point that justifies the rewriting of the economic history of the postwar period, to say nothing of using such estimates as a basis for current policymaking.

As a matter of fact, in studying changes in economic conditions, it is necessary for experts to keep in mind the margins of error that attach even to measures of actual output—that is, the familiar statistics on the gross national product. Economists, no less than laymen, have gotten into the habit of assuming that there is only a single set of official estimates of the gross national product. In fact there are two estimates for every quarter, one arrived at from the expenditure side, the other from the income side. Since our statistics are imperfect, the two figures nearly always differ, sometimes by a disturbing margin. As far as expert knowledge exists on this subject, the figures derived from income data are neither better nor worse than the figures derived from expenditure data. Earlier publication and sheer convention, not science, have accorded the latter figures their practically exclusive sway.

The Council's reply calls attention to the fact that its estimate of an 8-percent gap in the fourth quarter of 1960 was reached by more than one method. But no elaborate calculations are needed to show that this estimate may well be too high. For, even if the Council's figure of potential output for that quarter is taken as it comes, the mere substitution of the less-familiar gross national product figure for the conventional one (as these annual rates are given in the June 1961 issue of Economic Indicators) would suffice to lower the estimate of the gap by $4.1 billion, or from 7.7 to 6.9 percent.

WHEN FULL EMPLOYMENT MAY BE REACHED

The Council observes that "the distance to full employment is the true measure of the magnitude of the recovery problem" and that "the percentage gap at the trough of the 1960–61 recession was greater than at the 1954 trough but about the same as at the 1958 trough." However, "the distance to full employment" is indicated better by the unemployment figures than by the gap estimates—which are, at best, cloudy images of the unemployment figures. The highest quarterly figure of unemployment associated with the recession of 1960–61 was 6.9 percent, with the previous recession 7.4 percent, with the one before that 5.9 percent, and with the 1948–49 recession, which the Council ignores, 7.1 percent.

The Council states that "current evidence suggests that it is highly improbable" that full employment will be reached by the last quarter of 1962. Apparently, the Council reached this judgment by projecting its curve of potential output to the last quarter of 1962, then comparing the estimate so made with an estimate of actual output in the second quarter of this year. The result obtained can be no better than the Council's 3.5-percent growth curve of potential output. A projection of this curve yields a gross national product of $580.9 billion (annual rate, 1960 prices) for the last quarter of 1962. A projection of a similarly pivoted 3-percent curve, which meets every reasonable test as well as—if not better than—the 3.5-percent curve, yields a figure that is $20.4 billion lower.

I believe that earlier business-cycle expansions provide a better basis than conjectures concerning potential output for judging when, if the current recovery continues to flourish, unemployment may reach a 4-percent rate. The trough in the gross national product during the 1948–49 recession was reached in the second quarter of 1949. In the third quarter of 1949, the seasonally adjusted unemployment rate averaged 6.6 percent. A year later; that is, in the third quarter of 1950, it was lower by 1.9 points. The drop in the unemployment rate over a corresponding interval of the business expansions starting in 1954 and 1958 was 1.8 points and 2.2 points, respectively. If, therefore, the current recovery follows approximately the course of the three preceding recoveries, the unemployment rate should be about 4.9 percent in the second quarter of 1962. Beyond this date, the three earlier expansions no longer give a useful clue. The first fails because of the outbreak of the Korean war, the second because full employment was already virtually reached, the third because of the outbreak of the steel strike. However, commonsense suggests, as does the behavior of unemployment rates during prewar expansions, that if the recovery continues with any vigor beyond the second quarter of 1962, unemployment may well reach or come close to 4 percent toward the end of 1962.

I have now set out the reasoning on which I based the statement concerning the prospects for full employment in the Chicago address. I should, however, add a word about structural unemployment. I have been inclined to agree with the Council's position that, as aggregate demand increases, what may now appear to be "an unyielding core of structural unemployment" will largely disappear.

I still believe this to be true. Yet, some tabulations I have recently seen on the concentration of unskilled and semiskilled workers in the long-term unemployed group have made me wonder whether the Council and I may not be underestimating the difficulties posed by structural unemployment. I, for one, have not studied this question sufficiently.

THEORY OF SECULAR STAGNATION

The Council observes (a) that its economic views cannot be justly described as a secular stagnation theory; (b) that it has attributed the gap to deficiencies in total demand rather than to the deficiencies I had noted; (c) that it does not hold the view that the gap is "endemic" to the American economy; and (d) that one of its members had in fact informed the Joint Economic Committee that the Council "would not accept the idea that we have a chronic

or growing long-run problem of unemployment but, rather, that we have a problem of unemployment that we can defeat."

As for (a), it may suffice to point out that theories of secular stagnation are distinguished by the fact that they characteristically posit a chronic failure of the economy (in contrast to a merely sporadic or cyclical failure) to produce all that it is capable of producing. That is precisely the way in which the Council repeatedly described our economy in its report of March 6.

As for (b), there is no sensible difference between my description of the Council's views (namely, that the basic reason for the alleged "growing gap" is the insufficiency, first, of investment in business plant and equipment, second, of public "investment"—that is, spending on education, health, research, and development of natural resources) and its own formulation, unless the Council believes that a deficiency of consumer spending is the basic reason for the gap.

There is no need to comment on (c), since the question whether the gap is "endemic" to the American economy is not involved in the present discussion.

I take it that the statement quoted in (d) refers to the future rather than to the past or present; for on any other interpretation the Council would be contradicting its own position.

I need hardly add that what is in question is the validity of the Council's theory that our economy has been suffering for years from a persistent, chronic, increasing slack—not whether such a condition, if it exists, can be corrected.

POLICIES FOR ECONOMIC RECOVERY

(a) The Council dissents from the view, which it attributes to me, that a particular increase of $724 million in Federal expenditures, recommended for fiscal 1962, would court inflation and a gold crisis. This view has nothing to do with what I have said or implied. What has concerned me is the extension of definite commitments for substantially larger expenditures, taken in the aggregate, not this or that recommendation, appropriation, or outlay.

(b) The Council notes that I have ignored the "latent surplus"—which, I take it, means the surplus that would emerge under conditions of full employment if both tax rates and expenditures remained unchanged. The truth is that, in view of the upsurge of Federal spending, I have taken it for granted that the "latent" or "implicit" surplus will rapidly dwindle, if not vanish. That seems to be the way in which things are working out. If present expenditure trends continue, whether or not my expectation that full employment will be approximated by the end of 1962 is borne out, it will prove very difficult to balance the budget in fiscal 1963.

(c) The Council appears to argue that, in the event it becomes clear that further stimulation of the economy would lead to inflation, monetary and fiscal brakes can be applied to prevent this from happening. I wish economic policies could be timed and executed with such nice precision. If experience is any guide, Federal expenditures are rarely reversible; they are apt to move sluggishly when they do happen to be reversed; and there is often a substantial lag between the time when monetary brakes are applied and the time they take hold. In the meantime, the economy may be damaged by inflation.

[From the Washington (D.C.) Post, Dec. 13, 1962]

WIRTZ' JOB STATISTICS "INVALID," HE ADMITS

(By James McCartney)

Secretary of Labor W. Willard Wirtz has acknowledged to me that a rosy statement on unemployment he issued on the eve of the November 6 elections contained "invalid" statistical comparisons.

The effect of the comparisons was to paint a rosier view of the accomplishments of the Kennedy administration—just 6 days before the elections—than truly valid comparisons would have justified.

For example, Wirtz's preelection statement said that "over 4,500,000 more Americans have jobs than when this administration took office in January of 1961."

The 4.5-million figure, Wirtz acknowledges, was not seasonally adjusted to take into account normal differences in employment between the months of January and October.

The valid figure—seasonally adjusted—was 1,224,000.

Wirtz's statement, in effect, exaggerated by 3,276,000 the number of jobs the Kennedy administration could reasonably take credit for creating.

The Labor Department usually makes this seasonal adjustment in announcing employment figures.

That, however, was only one part of Wirtz's statement.

In another part of the same statement he said that unemployment was "over 2 million less than in January of 1961."

This figure also was not adjusted to take seasonal changes into account.

According to official Labor Department statistics, the valid, seasonally adjusted figure for the decrease in number of unemployed was 784,000.

Thus Wirtz's statement, in effect, exaggerated by 1,216,000 the Kennedy administration's achievements in reducing the number of unemployed.

Wirtz did not hedge in acknowledging that the statistical comparisons were "invalid"—in fact "invalid" was his own word choice.

"It isn't fair to compare January figures with October figures without making seasonal adjustments," he said.

However, he added that the statement was not issued with the November elections in mind.

He also explained that it is not always possible for the Secretary of Labor to double-check all statistics that come before him, suggesting that the invalid comparisons simply slipped past.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter, tables and charts.

Mr. VANIK, for 5 minutes, today, and to revise and extend his remarks.

Mr. THOMPSON of Texas, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. ROGERS of Florida, for 10 minutes, today.

Mr. WYMAN, for 10 minutes, today, and to revise and extend his remarks.

Mr. CURTIS, for 1 hour, on Thursday.

Mr. MINSHALL (at the request of Mr. BATTIN), for 30 minutes, on Thursday, January 31.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER and include extraneous matter.

Mr. SHORT.

(The following Members (at the request of Mr. BATTIN) and to include extraneous matter:)

Mr. BYRNES of Wisconsin.

Mr. SAYLOR.

(The following Members (at the request of Mr. STEPHENS) and to include extraneous matter:)

Mr. ROSENTHAL.

Mr. TOLL.

Mrs. SULLIVAN.

Mr. KIRWAN.

ADJOURNMENT

Mr. STEPHENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, January 29, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

284. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to funds relating to the civil service retirement and disability fund, pursuant to Public Law 87-141; to the Committee on Appropriations.

285. A letter from the Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes"; to the Committee on Armed Services.

286. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the November 1962 report on Department of Defense procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

287. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of a proposed bill entitled "A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended"; to the Committee on Government Operations.

288. A letter from the Governor of the Canal Zone, President, Panama Canal Company transmitting a report on the disposal of foreign excess property by the Panama Canal Company, and Canal Zone Government for the year ended December 31, 1962, pursuant to 63 Stat. 398; to the Committee on Government Operations.

289. A letter from the Public Printer, U.S. Government Printing Office, transmitting the Annual Report of the Government Printing Office for the fiscal year ended June 30, 1962, pursuant to the act of January 12, 1895 (sec. 19, ch. 23, 28 Stat. 603); to the Committee on House Administration.

290. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a statement in writing exhibiting the several sums drawn by him pursuant to sections 78 and 80 of title 2, United States Code, the application and disbursement of the sums, and balances, if any, remaining in his hands, pursuant to the provisions of title 2, United States Code, section 84; to the Committee on House Administration.

291. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Steam Electric Plant Construction Cost and Annual Production Expenses, 1961"; to the Committee on Interstate and Foreign Commerce.

292. A letter from the Assistant Director, Bureau of Land Management, Department of the Interior, transmitting a report of all compensatory royalty agreements affecting oil and gas deposits in unleased Government lands which were entered into during calendar year 1962 in accordance with 30 U.S.C. 226(g), pursuant to the requirements of rule III, clause 2, of the Rules of the House of Representatives; to the Committee on Interior and Insular Affairs.

293. A letter from the Attorney General, transmitting a draft of a proposed bill entitled "A bill to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes"; to the Committee on the Judiciary.

294. A letter from the Vice Chairman, Federal Maritime Commission, transmitting the First Annual Report of the Federal Maritime Commission for the fiscal year ended June 30, 1962; to the Committee on Merchant Marine and Fisheries.

295. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act for the fiscal year 1963 (76 Stat. 383); to the Committee on Science and Astronautics.

296. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of national service life insurance to a new modified life plan"; to the Committee on Veterans' Affairs.

297. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting additional information relating to the case of Andres Porras-Grajeda, A–4329804, involving suspension of deportation, and requesting that it be withdrawn from those before the Congress and returned to the jurisdiction of this Service, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

298. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting the 18th Report of the U.S. Advisory Commission on Information, dated January 1963, pursuant to Public Law 402, 80th Congress (H. Doc. No. 53); to the Committee on Foreign Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 2821. A bill to authorize modification of the repayment contract with the Grand Valley Water Users' Association; to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

H.R. 2822. A bill to provide flood control on the Big South Fork, Cumberland River Basin; to the Committee on Public Works.

By Mr. BARING:

H.R. 2823. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I and their widows and dependents; to the Committee on Veterans' Affairs.

By Mr. BASS:

H.R. 2824. A bill to provide a more definitive tariff classification description for lightweight bicycles; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2825. A bill to define and declare exempt income of Indians and to permit Indians who are holders of beneficial interests of tribal lands or under patents of allocated and restricted lands, whether by original allotment, by inheritance, or as lessee of tribal or allocated and restricted Indian lands, to secure refunds of income taxes paid to the United States, on income from such lands which are exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 2826. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of dispositions of property (other than stock) pursuant to orders enforcing the antitrust laws; to the Committee on Ways and Means.

H.R. 2827. A bill to extend until June 30, 1966, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory; to the Committee on Ways and Means.

By Mrs. FRANCES P. BOLTON:

H.R. 2828. A bill to amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce, with unlawful or fraudulent intent, of counterfeit, fictitious, altered, lost, stolen, wrongfully appropriated, unauthorized, revoked, or canceled credit cards; to the Committee on the Judiciary.

By Mr. BYRNES of Wisconsin:

H.R. 2829. A bill to improve the old-age, survivors, and disability insurance program by providing minimum benefits for certain individuals who have attained age 72 and by liberalizing the retirement test through increasing the amount of earnings permitted without full deductions from benefits; to the Committee on Ways and Means.

By Mr. CASEY:

H.R. 2830. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed as a child-care deduction, and to eliminate the income ceiling on eligibility for such deduction; to the Committee on Ways and Means.

H.R. 2831. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 2832. A bill to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties; to the Committee on the Judiciary.

H.R. 2833. A bill to amend subdivision d of section 60 of the Bankruptcy Act (11 U.S.C. 96d) so as to give the court authority on its own motion to reexamine attorney fees paid or to be paid in a bankruptcy proceeding; to the Committee on the Judiciary.

H.R. 2834. A bill to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents; to the Committee on the Judiciary.

H.R. 2835. A bill to clarify the status of circuit and district judges retired from regular active service; to the Committee on the Judiciary.

H.R. 2836. A bill to require the establishment, on the basis of the 19th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; to the Committee on the Judiciary.

H.R. 2837. A bill to amend further section 11 of the Federal Register Act (44 U.S.C. 311); to the Committee on the Judiciary.

H.R. 2838. A bill to amend section 753(f) of title 28, United States Code, relating to transcripts fu nished by court reporters for the district courts; to the Committee on the Judiciary.

H.R. 2839. A bill to increase the fees of jury commissioners in the U.S. district courts; to the Committee on the Judiciary.

H.R. 2840. A bill to amend section 1391 of title 28 of the United States Code relating to venue; to the Committee on the Judiciary.

H.R. 2841. A bill to amend section 332 of title 28, United States Code, to provide for the inclusion of a district judge or judges on the judicial council of each circuit; to the Committee on the Judiciary.

H.R. 2842. A bill to amend section 3238 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 2843. A bill to repeal subsection (d) of section 2388 of title 18 of the United States Code; to the Committee on the Judiciary.

H.R. 2844. A bill to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have; to the Committee on the Judiciary.

H.R. 2845. A bill to provide that the district courts shall be always open for certain purposes, to abolish terms of court and to regulate the sessions of the courts for transacting judicial business; to the Committee on the Judiciary.

H.R. 2846. A bill to amend section 376 of title 28, United States Code; to the Committee on the Judiciary.

H.R.2847. A bill to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners; to the Committee on the Judiciary.

H.R. 2848. A bill to amend subsection b of section 60—Preferred creditors; subsection e of section 67—Liens and fraudulent transfers; and subsection e of section 70—Title to property; of the Bankruptcy Act (11 U.S.C. 96b, 107e, and 110e); to the Committee on the Judiciary.

H.R. 2849. A bill to amend section 47 of the Bankruptcy Act; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 2850. A bill to provide increased retired pay for certain members of the uniformed services retired before June 1, 1958; to the Committee on Armed Services.

H.R. 2851. A bill to extend the benefits of the Retired Federal Employees Health Benefits Act to certain retired employees entitled to deferred annuity; to the Committee on Post Office and Civil Service.

H.R. 2852. A bill to amend chapter 73 of title 18, United States Code, with respect to obstruction of investigations and inquiries of certain criminal activities in or affecting interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 2853. A bill to amend the act providing books for the adult blind so as to make books also available to quadriplegics and the near blind; to the Committee on House Administration.

By Mr. DENT:

H.R. 2854. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. DEROUNIAN:

H.R. 2855. A bill relating to the application of the manufacturers excise tax on electric light bulbs in the case of sets or strings of such bulbs; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 2856. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; and to authorize pilot local youth public service employment programs; to the Committee on Education and Labor.

H.R. 2857. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other

chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

By Mr. FINO:

H.R. 2858. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct tuition expenses paid by him for the education of his children; to the Committee on Ways and Means.

By Mr. FORRESTER:

H.R. 2859. A bill to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 2860. A bill to amend section 13(c) of the Fair Labor Standards Act of 1938 with respect to the exemption of agricultural employees from the child labor provisions of such act; to the Committee on Education and Labor.

H.R. 2861. A bill to provide for the establishment of a Permanent Commission on Governmental Operations; to the Committee on Government Operations.

H.R. 2862. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to increase from 6½ to 6¾ percent the deduction from the employees basic salary for retirement; and to set 60 as the mandatory retirement age for certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

H.R. 2863. A bill to extend the apportionment requirement in the Civil Service Act of January 16, 1883, to temporary summer employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2864. A bill to amend the Civil Service Retirement Act, as amended, to provide that accumulated sick leave be credited to retirement fund; to the Committee on Post Office and Civil Service.

H.R. 2865. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 30 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 2866. A bill to amend section 402 of the Federal Employees Uniform Allowance Act, approved September 1, 1954 (title IV, Public Law 763, 83d Cong.), as amended; to the Committee on Post Office and Civil Service.

H.R. 2867. A bill to amend section 532 of title 38, United States Code, to liberalize the marriage date requirements applicable to the payment of pension to widows of Civil War veterans; to the Committee on Veterans' Affairs.

H.R. 2868. A bill to exempt from compulsory coverage under the old-age, survivors, and disability insurance program self-employed individuals who hold certain religious beliefs; to the Committee on Ways and Means.

H.R. 2869. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 2870. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2871. A bill to provide coverage under the old-age, survivors, and disability insurance system (subject to an election in the case of those currently serving) for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 2872. A bill to amend the Internal Revenue Code of 1954 to provide that annuities under the Civil Service Retirement Act shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 2873. A bill to assist the States in providing necessary instruction for adults not proficient in basic educational skills through grants to States for pilot projects, improvement of State services, and programs of instruction, and through grants to institutions of higher learning for development of materials and methods of instruction and for training of teaching and supervisory personnel; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 2874. A bill to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them; to the Committee on Ways and Means.

H.R. 2875. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 2876. A bill to repeal the Inland Waterways Corporation Act; to the Committee on Interstate and Foreign Commerce.

H.R. 2877. A bill to amend the Federal Aviation Act of 1958 with respect to the retirement of employees engaged in air traffic control work; to the Committee on Interstate and Foreign Commerce.

By Mr. HERLONG:

H.R. 2878. A bill to amend the Internal Revenue Code of 1954 to increase the limitation on the amount of allowable charitable contributions which may be made by individuals to certain organizations for the benefit of churches, educational organizations, hospitals and certain medical research organizations which are organized and operated for the benefit of certain colleges or universities; to the Committee on Ways and Means.

By Mr. HOLLAND:

H.R. 2879. A bill to amend the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. HOSMER:

H.R. 2880. A bill to establish a national wilderness preservation system for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2881. A bill to provide for the garnishment, execution, or trustee process of wage and salaries of civil officers and employees of the United States; to the Committee on the Judiciary.

H.R. 2882. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I and their widows and dependents; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California:

H.R. 2883. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I and their widows and dependents; to the Committee on Veterans' Affairs.

By Mr. KARSTEN:

H.R. 2884. A bill to provide for the establishment of the Ozark National Rivers in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KARTH:

H.R. 2885. A bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KILGORE:

H.R. 2886. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, so as to provide for the extension of the restrictions on imported commodities imposed by such section to imported carrots; to the Committee on Agriculture.

By Mr. LANKFORD:

H.R. 2887. A bill to authorize the Administrator of General Services to convey certain land in Prince Georges County, Md., to the American National Red Cross; to the Committee on Government Operations.

H.R. 2888. A bill to provide for the conveyance of certain real property of the United States to the State of Maryland; to the Committee on Interior and Insular Affairs.

H.R. 2889. A bill for the relief of the Prince Georges County School Board, Maryland; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 2890. A bill to repeal the 1964 multiple price wheat program; to reinstate for the 1964 crop provisions of law applicable to wheat prior to the enactment of the 1962 and 1963 emergency wheat programs; to allow all wheat farmers to vote in the national wheat marketing quota referendum; and to authorize the Secretary of Agriculture to increase or suspend acreage allotments and marketing quotas on certain classes of wheat; to the Committee on Agriculture.

By McINTIRE:

H.R. 2891. A bill to amend Public Laws 815 and 874, 81st Congress, to extend for 2 years the provisions thereof which would otherwise expire; to the Committee on Education and Labor.

By Mr. McMILLAN:

H.R. 2892. A bill to amend section 25 of the act of October 30, 1951, to provide for refunds of certain amounts withheld from annuities payable under the Railroad Retirement Acts on account of joint and survivor annuity elections which were revoked; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 2893. A bill to establish, in the House of Representatives, the office of Delegate from the District of Columbia; to provide for the election of the Delegate, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H.R. 2894. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2895. A bill to aid in the administration of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges in Orgeon and California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2896. A bill to amend section 212A(4) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. MILLIKEN:

H.R. 2897. A bill to incorporate the Navy Mothers' Clubs of America; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 2998 A bill to provide for the release of restrictions and reservations on certain real property heretofore conveyed to the State of Arkansas by the United States of America; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 2899. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of

comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOORHEAD:

H.R. 2900. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MORRISON:

H.R. 2901. A bill to amend the Civil Service Retirement Act to equalize additional annuities in return for contributions of annuitants during service in excess of the amount necessary to provide the maximum annuity under such act at the time of their retirement; to the Committee on Post Office and Civil Service.

H.R. 2902. A bill to amend the Federal Employees Health Benefits Act of 1959 so as to eliminate any discrimination against married female employees; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 2903. A bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NYGAARD:

H.R. 2904. A bill to amend the Watershed Protection and Flood Prevention Act so as to eliminate the exclusion of structures having an excess of 5,000 acre-feet of floodwater capacity; to the Committee on Agriculture.

H.R. 2905. A bill to donate to the Devils Lake Sioux Tribe of the Fort Totten Indian Reservation, N. Dak., approximately 275.74 acres of federally owned land; to the Committee on Interior and Insular Affairs.

H.R. 2906. A bill to amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any motor vehicle in interstate or foreign commerce by towing; to the Committee on Interstate and Foreign Commerce.

H.R. 2907. A bill for the relief of the Kensal School District, North Dakota; to the Committee on the Judiciary.

By Mr. OLSEN of Montana:

H.R. 2908. A bill to provide for a national cemetery in every State; to the Committee on Interior and Insular Affairs.

H.R. 2909. A bill to grant civil service employees retirement after 30 years' service; to the Committee on Post Office and Civil Service.

H.R. 2910. A bill to direct the Secretary of the Interior to establish a research program in order to determine means of improving the conservation of game fish in dam reservoirs; to the Committee on Merchant Marine and Fisheries.

H.R. 2911. A bill to amend chapter 71 of title 38, United States Code, to provide that the right of a veteran to appeal to the U.S. District Court from the decisions of the Board of Veterans' Appeals in compensation and pension claims shall not be abrogated; to the Committee on Veterans' Affairs.

By Mr. REUSS:

H.R. 2912. A bill to amend the Trade Expansion Act of 1962 to extend the provisions applicable in respect of the European Economic Community to the European Free Trade Association, and to require that each category of articles designated under section 211 of such act be identifiable by not less than four digits; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 2913. A bill to amend section 4233 of the Internal Revenue Code of 1954 to exempt from the admissions tax admissions to world fairs; to the Committee on Ways and Means.

By Mr. SILER:

H.R. 2914. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and women and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; and to authorize pilot local youth public service employment programs; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 2915. A bill relating to the distribution of wall calendars for the House of Representatives; to the Committee on House Administration.

By Mr. TEAGUE of Texas (by request):

H.R. 2916. A bill to amend chapter 15 of title 38, United States Code, to revise the pension program for World War I, World War II, and Korean conflict veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 2917. A bill to provide additional punishment for corporate officers violating the antitrust laws, and to provide that such officers may be barred for not more than 1 year from serving in such corporate capacity; to the Committee on the Judiciary.

By Mr. TRIMBLE:

H.R. 2918. A bill authorizing the establishment of the Wolf House National Historic Site, in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WESTLAND:

H.R. 2919. A bill to dissolve the Virgin Islands Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2920. A bill to provide for the conservation of anadromous fish and spawning areas in the Salmon River, Idaho; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 2921. A bill to protect funds invested in series E U.S. savings bonds from inflation and to encourage persons to provide for their own security; to the Committee on Ways and Means.

By Mr. BERRY:

H.J. Res. 199. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. CRAMER:

H.J. Res. 200. Joint resolution amending the Public Health Service Act to provide for an institute on gerontology which shall, among other things, carry out research and training with respect to chronic disease and to accident prevention among our senior citizens, and shall be located on the grounds of the Bay Pines Veterans' Administration Center, St. Petersburg, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.J. Res. 201. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

H.J. Res. 202. Joint resolution designating the second Sunday in October of each year as National Grandmothers' Day; to the Committee on the Judiciary.

By Mr. MILLS:

H.J. Res. 203. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MULTER:

H.J. Res. 204. Joint resolution to enable the District of Columbia government to aid the arts in ways similar to those in which the arts are aided financially by other cities of the United States by providing funds for special concerts for children and others, by aiding in the establishment of a permanent children's theater, and by providing a municipal theater for competitions to discover and encourage young Americans in the pursuit of excellence, and to acquaint them with the best of our national cultural heritage, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROGERS of Texas:

H.J. Res. 205. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. SNYDER:

H.J. Res. 206. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. TRIMBLE:

H.J. Res. 207. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H. Con. Res. 59. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

By Mr. KING of New York:

H. Con. Res. 60. Concurrent resolution establishing a joint committee to conduct an investigation and study of the Department of State and the Central Intelligence Agency; to the Committee on Rules.

By Mr. KYL:

H. Con. Res. 61. Concurrent resolution to express the sense of Congress in respect to the Lewis and Clark Trail from St. Louis, Mo., to the Pacific Northwest; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Illinois:

H. Con. Res. 62. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

By Mr. ROONEY:

H. Con. Res. 63 Concurrent resolution requesting the President to initiate action leading to the adoption of a United Nations' resolution calling for the withdrawal of Soviet troops from Lithuania, Latvia, and Estonia; the return of exiles from these nations from slave-labor camps in the Soviet Union; and the conduct of free elections in these nations; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 190. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. BARING:

H. Res. 191. Resolution creating a select committee to conduct an investigation and study of the problems involved in the fluoridation of potable water; to the Committee on Rules.

H. Res. 192. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 191; to the Committee on House Administration.

H. Res. 193. Resolution expressing the sense of the House of Representatives with respect to the administration of certain laws of the United States under the jurisdiction of the Secretary of Health, Education, and Welfare; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCE:

H. Res. 194. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. CRAMER:

H. Res. 195. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. DINGELL:

H. Res. 196. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. FULTON of Pennsylvania:

H. Res. 197. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

H. Res. 198. Resolution to amend the Rules of the House to require the yeas and nays in the case of final action on appropriation bills; to the Committee on Rules.

H. Res. 199. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. HARVEY of Indiana:

H. Res. 200. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. MACGREGOR:

H. Res. 201. Resolution amending clause 2(a) of rule XI and clause 4 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. MCMILLAN:

H. Res. 202. Resolution to provide funds for the expenses of the studies and investigations authorized by House Resolution 142; to the Committee on House Administration.

By Mr. PEPPER:

H. Res. 203. Resolution expressing the sense of the House regarding the possible establishment of an Atlantic Community Common Market; to the Committee on Foreign Affairs.

By Mr. RAINS:

H. Res. 204. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 153; to the Committee on House Administration.

By Mr. ROSENTHAL:

H. Res. 205. Resolution to conduct an investigation and study of arms control and disarmament; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. CANNON: Memorial of the House of Representatives of the State of Missouri memoralizing Congress and the U.S. Department of Defense to relocate the battleship U.S.S. *Missouri* in the State of Missouri; to the Committee on Armed Services.

By the SPEAKER: Memorial of the Legislature of the State of Idaho, memoralizing the President and the Congress of the United States, relative to requesting the formulation of a national minerals policy that will assure the preservation of a sound and stable domestic mining industry by reserving to domestic producers a fair and equitable share of domestic metal markets; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Missouri, memorializing the President and the Congress of the United States, relative to requesting that the battleship *Missouri* be relocated in the State of Missouri; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2922. A bill for the relief of Anna Maria Rifilato; to the Committee on the Judiciary.

By Mr. ADDABBO (by request):

H.R. 2923. A bill for the relief of Teresina Fara; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 2924. A bill for the relief of Abdelmessih Halim Abdelmessih and his wife Soheir Takla Meleika; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 2925. A bill for the relief of the estate of Bart Briscoe Edgar, deceased; to the Committee on the Judiciary.

By Mr. CURTIN:

H.R. 2926. A bill for the relief of Maria Lonardo; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 2927. A bill for the relief of George Alexakis; to the Committee on the Judiciary.

H.R. 2928. A bill for the relief of Marika N. Vatakis; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 2929. A bill for the relief of Dilys Evans; to the Committee on the Judiciary.

H.R. 2930. A bill for the relief of Amnon and Ruth Kaminer; to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 2931. A bill for the relief of Konstantinos Tigkos; to the Committee on the Judiciary.

H.R. 2932. A bill for the relief of Konstantinos Binteris; to the Committee on the Judiciary.

H.R. 2933. A bill for the relief of Dr. Frances E. Haines; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 2934. A bill for the relief of Dr. Themistocles J. Chryssochoos; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 2935. A bill for the relief of Daniel M. Small, Jr.; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 2936 A bill for the relief of Karolina Rado; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 2937. A bill for the relief of Ely Sabidales; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 2938. A bill for the relief of Basim Salim George; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 2939. A bill for the relief of Bienvenido Yikyekan Borromeo; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R 2940. A bill to authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, Calif., for a nuclear electric generating station; to the Committee on the Armed Services.

By Mr. HOSMER:

H.R. 2941. A bill to authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, Calif., for a nuclear electric generating station; to the Committee on Armed Services.

By Mr. HUDDLESTON:

H.R. 2942. A bill to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 2943. A bill for the relief of James F. Seger; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 2944. A bill for the relief of Hurley Construction Co.; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 2945. A bill for the relief of Munston Electronics Manufacturing Corp.; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 2946. A bill authorizing the payment of retired pay to Albert E. Waterstradt; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 2947. A bill for the relief of Stefan Papp (also known as Istvan Papp), his wife, Therese Papp, and their son, Gabriel Papp; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 2948. A bill for the relief of Mrs. Leung Chi King; to the Committee on the Judiciary.

H.R. 2949. A bill for the relief of Jew Bing Shew; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 2950. A bill for the relief of Norman McLeod Riach; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 2951. A bill for the relief of Mrs. Marie Meneshian; to the Committee on the Judiciary.

H.R. 2952. A bill for the relief of Loreto Testa; to the Committee on the Judiciary.

H.R. 2953. A bill for the relief of Mrs. Maria Cecere Grande; to the Committee on the Judiciary.

H.R. 2954. A bill for the relief of Martha B. Gumbs; to the Committee on the Judiciary.

H.R. 2955. A bill for the relief of Italia Passarelli; to the Committee on the Judiciary.

H.R. 2956. A bill for the relief of Apostolos Christou Picas; to the Committee on the Judiciary.

H.R. 2957. A bill for the relief of Chin Dhul Yon; to the Committee on the Judiciary.

H.R. 2958. A bill for the relief of Maria Stella Pezzo Calafato; to the Committee on the Judiciary.

H.R. 2959. A bill for the relief of Ester Antoniolli; to the Committee on the Judiciary.

H.R. 2960. A bill for the relief of Venanzo Falzetti; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 2961. A bill for the relief of Miss Torkouste (Tula) Konstandinidou; to the Committee on the Judiciary.

H.R. 2962. A bill for the relief of Panagis Razatos; to the Committee on the Judiciary.

By Mr. ROONEY:

H.R. 2963. A bill for the relief of Andrzej Gitter; to the Committee on the Judiciary.

H.R. 2964. A bill for the relief of Lily Isabell Watkis; to the Committee on the Judiciary.

H.R. 2965. A bill for the relief of Mrs. Hesna Akkoc; to the Committee on the Judiciary.

H.R. 2966. A bill for the relief of Mrs. Demetria Messana Barone; to the Committee on the Judiciary.

H.R. 2967. A bill for the relief of Chaim Jaskolka; to the Committee on the Judiciary.

H.R. 2968. A bill for the relief of Stanislaw and Zdzislaw Kurmas; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 2969. A bill for the relief of Mrs. Argiro (Argyro) S. Stamoulis; to the Committee on the Judiciary.

H.R. 2970. A bill for the relief of Arie Adler, Miriam Adler, Chawa Adler, and Noomi Adler; to the Committee on the Judiciary.

By Mr. RYAN of Michigan:

H.R. 2971. A bill for the relief of Carmela Cusimano; to the Committee on the Judiciary.

H.R. 2972. A bill for the relief of Antonia Hernandez Rico; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 2973. A bill for the relief of Esperanza Usana Bernabe; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 2974. A bill for the relief of Itrat-Husain Zuberi, his wife, Saida Zuberi, and their children, Mobina Zuberi, Jawai Zuberi and Nayab Zuberi; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 2975. A bill for the relief of Juanita Cereguine de Burgh; to the Committee on the Judiciary.

By Mr. WELTNER:

H.R. 2976. A bill for the relief of Thomas Manfred Hoffman; to the Committee on the Judiciary.

By Mr. MORRIS:

H.J. Res. 208. Joint resolution authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

26. By Mr. TEAGUE of California: Petition of certain citizens of the 13th Congressional District of California to preserve the Monroe Doctrine; to the Committee on Foreign Affairs.

27. By the SPEAKER: Petition of the President, NATO Parliamentarians' Conference, Paris, France, relative to a copy of the reports and recommendations adopted by the NATO Parliamentarians' Conference at its 8th annual session; to the Committee on Foreign Affairs.

28. Also petition of the city clerk, Honolulu, Hawaii, relative to income tax regulations on allowance for travel expenses of people traveling to resort areas in Hawaii; to the Committee on Ways and Means.

SENATE

MONDAY, JANUARY 28, 1963

(Legislative day of Tuesday, January 15, 1963)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God and Father of mankind, in the awareness of whose presence our hearts are gladdened and our jaded spirits renewed: For all the ventures and endeavors in which we are called to be colaborers with Thee, we bless Thy holy name. We would greet this day and the waiting days of this new week with reverence for the challenges they contain. Prepare us to approach its tasks with quiet and clean minds.

Along this week's busy ways may we meet our comrades with laughter on our lips and understanding in our hearts, being gentle, kind, and courteous even when we are weary, to come to the eventide with the joy that comes from work well done. Direct us all the day long of this earthly life till the shadows lengthen and the evening falls and our toil is over. Then in Thy mercy grant us safe lodging, a holy rest, and peace at the last. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, January 25, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON U.S. AERONAUTICS AND SPACE ACTIVITIES, 1962—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 52)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

In accordance with section 206(b) of the National Aeronautics and Space Act of 1958, as amended, I transmit herewith a report for the calendar year 1962, on this Nation's aeronautics and space activities.

The year 1962 was a period of acceleration, accomplishment, and relative progress for the United States in its space leadership drive. In both numbers and complexity of space projects, the past year was the most successful in our brief but active space history.

The benefits of our peaceful space program, in both its civilian and military aspects, are becoming increasingly evident. Not only have the horizons of scientific knowledge been lifted, but the resulting international cooperation and worldwide dissemination of knowledge and understanding have strengthened the world image of this country as a force for peace and freedom. The economic benefits of our national space program are also revealing themselves at an increasing rate.

These growing space successes have required the support of increasing budgets. Thus, the recommended budget which I submitted to the Congress earlier this month contains requests for funds for the fiscal year 1964 space program in the total amount of $7.6 billion. This is an increase of $2.1 billion over fiscal year 1963, $4.3 billion over fiscal year 1962, and $5.8 billion over fiscal year 1961.

In summary form, the accompanying report depicts the contributions of the various departments and agencies of the Government to the national space program during 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

REPORT OF OFFICE OF CIVIL DEFENSE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 50)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Armed Services:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress, the First Annual Report of the Office of Civil Defense as submitted by the Secretary of Defense. This report covers the civil defense functions assigned to the Secretary of Defense by Executive Order 10952, which are the preponderance of the functions under the Federal Civil Defense Act of 1950 (Public Law 920, 81st Cong.).

This report is submitted in accordance with section 406 of that act, and covers fiscal year 1962.

Information pertaining to civil defense activities of other agencies, and in particular those assigned to the Director of the Office of Emergency Planning, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare, under Executive Orders 10952, 10958, and 11051, is contained in the published 12th Annual Report of the Activities of the Joint Committee on Defense Production.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 51)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the sixth annual report on the operation of the trade agreements program. This report was originally prepared pursuant to section 350(e)(1) of the Tariff Act of 1930, as amended, which has now been superseded by section 402(a) of the Trade Expansion Act of 1962.

This report demonstrates that we have made good progress toward accomplishment of our goals in the international trade field during the course of the past year. For example, world trade again reached a new high level. U.S. exports also rose and maintained a significant margin over imports, with consequent improvement of our balance-of-payments position.

In the summer of 1962 we completed tariff negotiations which lasted almost 2 years, under the aegis of the General Agreement on Tariffs and Trade. While we were hampered in these negotiations by the severe limitations of the Trade Agreements Extension Act of 1958, some real progress was made in clearing the way for a greater flow of profitable international trade.

Now, however, we face the challenge of the tremendous growth of the European Common Market, an economy which can soon be expected nearly to equal our own. The passage of the pace-setting Trade Expansion Act of 1962 provides us with the tools necessary to meet this challenge, maintain our own economic growth, and, together with the Common Market, continue our efforts to promote the strength and unity of the free world.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

REPORT ON SPECIAL INTERNATIONAL PROGRAM — MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the

President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 108 of Public Law 87–256, I transmit herewith for the information of the Congress the 11th report of operations under the Mutual Educational and Cultural Exchange Act of 1961, during the period July 1, 1961, to June 30, 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 28, 1963.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Edward M. Korry, of New York, to be Ambassador Extraordinary and Plenipotentiary to Ethiopia, which was referred to the Committee on Foreign Relations.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the introduction of bills and the transaction of routine business.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. PROXMIRE. Mr. President——

Mr. MANSFIELD. Mr. President, before I suggest the absence of a quorum, I ask that the attachés on both sides of the aisle notify all Senators that this will be a live quorum.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 8 Leg.]

Aiken	Hruska	Morton
Bartlett	Inouye	Pell
Bennett	Jackson	Proxmire
Bible	Jordan, Idaho	Robertson
Case	Keating	Russell
Dominick	Kefauver	Saltonstall
Douglas	Kennedy	Simpson
Edmondson	Kuchel	Smith
Ellender	Lausche	Sparkman
Ervin	Mansfield	Stennis
Hart	McGee	Talmadge
Hayden	McIntyre	Young, N. Dak.
Hill	Metcalf	

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. MCCLELLAN] the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Louisiana [Mr. LONG], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I further announce that the Senator from North Carolina [Mr. JORDAN] is necessarily absent.

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON] and the Senator from New York [Mr. JAVITS] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The VICE PRESIDENT. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of the absent Senators.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. EASTLAND, Mr. ENGLE, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GRUENING, Mr. HARTKE, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HUMPHREY, Mr. JOHNSTON, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MCNAMARA, Mr. MILLER, Mr. MUNDT, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. SMATHERS, Mr. SYMINGTON, Mr. THURMOND, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, and Mr. YOUNG of Ohio entered the Chamber and answered to their names.

The VICE PRESIDENT. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF SECTION 7 OF ADMINISTRATIVE EXPENSES ACT OF 1946

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 7 of the Administrative Expenses Act of 1946, as amended (with accompanying papers); to the Committee on Government Operations.

AUDIT REPORT OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

A letter from the executive director, Reserve Officers Association of the United States, Washington, D.C., transmitting, pursuant to law, an audit report of that association, dated March 31, 1962 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, and so forth, were laid before the Senate, or presented, and referred as indicated:

Two joint resolutions of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL 3

"To the Honorable Senate and House of Representatives of the United States, in Congress assembled:

"We, your memorialists, the Members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the 37th session thereof, do respectfully represent that:

"Whereas what is known as the Lower Teton project, situated in the county of Fremont, State of Idaho, and included in the recent comprehensive study of the Snake River by the U.S. Bureau of Reclamation and the Corps of Army Engineers is highly essential to the uninterrupted growth and stability of Idaho agriculture; the economic benefits thereby accumulating to this great State particularly and the United States generally being many times greater than the cost of this project; and

"Whereas the waters of the Teton River constitute a significant portion of the irrigation supplies available to eastern Idaho and, indeed, all of the Snake River area and are therefore an important part of the water resource which is the foundation of our economic and industrial strength; and

"Whereas if the irrigated farms of Idaho are to be maintained as secure units and survive in this technological age of specialized agriculture and its associated high operating costs, it is imperative that our present storage reservoirs be supplemented with new facilities to store the high water near its source, thereby further eliminating the danger of drought and its attendant hardships in all of the irrigated areas of the Snake River; and

"Whereas each succeeding board of county commissioners has, since the creation of Madison and Fremont Counties, been confronted with the serious annual problem of the wild, ravaging Teton River, all of which conditions would be eliminated through the construction of said project; and

"Whereas even in years of mild snowfall in the watershed, the Teton River can be depended upon to provide at least several weeks of round-the-clock effort to protect private and public property from the flood water of the Teton. Madison County maintains 11 bridges across the Teton, 2 with steel spans, 3 reinforced concrete and 6 lumber bridges. Many times, serious damage to these structures has resulted from the uncontrollable destructive force of the flooding Teton. The bridges blocked by ice jams and the normal debris of high water become dams—forcing the flood waters out onto surrounding farming lands destroying its productive capacity for 1, 2, or 3 years. The Idaho State Highway Department maintains four bridges across the Teton within the boundaries of Fremont and Madison Counties and the Union Pacific Railroad System has three. Each of these bridges has, in the past, been the source of serious trouble and great maintenance expense because of the uncontrolled flooding Teton; and

"Whereas each year, almost without exception, many square miles south and west of Teton City lie under water as a result of the Teton flooding, and frequently private homes and storage facilities are jeopardized. Because of the slow and meandering course of the Teton it is impossible to predict where it will strike next; and

"Whereas eastern Idaho counties maintain hundreds of miles of oil road—not including State or Federal highways—the foundations

become sponge-like under the saturation of flood waters so that even light loads break the mat into thousands of pieces making complete resurfacing necessary; and

"Whereas the benefits of flood control, irrigation and associated economic expansion has justified consideration by the Bureau of Reclamation and Corps of Army Engineers and our recommendation for construction of the Lower Teton Reservoir without delay: Now, therefore, be it

"Resolved by the 37th session of the Legislature of the State of Idaho, now in session (the senate and the house of representatives concurring), That the Congress and President of the United States be respectfully petitioned to give early consideration to and construction of the Lower Teton Reservoir with the least possible delay; and be it further

"Resolved, That the secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the Department of the Interior, the U.S. Bureau of Reclamation, the Corps of Army Engineers and to the Senators and Representatives representing this State in the United States.

"Adopted by the senate on the 18th day of January 1963.

"W. E. DREVLOW,
"President of the Senate.

"Adopted by the house of representatives on the 21st day of January 1963.

"PETE T. CENARRUSA,
"Speaker of the House of Representatives.

"Attest:

"ARTHUR WILSON,
"Secretary of the Senate.

"HOUSE JOINT MEMORIAL 2

"To the honorable Senate and House of Representatives of the United States in Congress assembled:

"We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

"Whereas the development and utilization of Idaho's abundant mineral resources has always been and must continue to be one of the major components of the State's economic structure, providing not only a source of employment and income, but also a sound base for tax revenues and a substantial market outlet for agricultural and manufactured products in mining areas; and

"Whereas this basic and essential mining industry has for many years been struggling under adverse economic conditions so severe that many major metal mining enterprises in the State, involving the production of antimony, tungsten, cobalt, mercury, and other strategic metals, as well as most of our small lead and zinc producers have been forced out of business, and even our large, nationally important lead and zinc mines have been reduced to the status of marginal operations; and

"Whereas this serious predicament of our mining industry is directly attributable to policies of the Federal Government which encourage and stimulate the development and exploitation of foreign mineral resources and through tariff concessions permit the resultant low-cost foreign production relatively free access to U.S. markets; and

"Whereas these policies if continued will not only threaten the economic survival of Idaho's metal mining industry, but will also impose a serious handicap on our Nation's capacity to provide from domestic sources the basic requirements for national defense; and

"Whereas the executive department of the Federal Government and both major political parties, as well as the Conference of Western Governors, has officially recognized the necessity for maintaining a domestic mining industry that is sufficiently vigorous and proficient to assure a minerals mobilization base adequate to national preparedness and security; and

"Whereas past efforts by the Federal Government to alleviate the depressed conditions which prevail in various segments of the domestic mining industry by means of short-range programs and temporary expedients, such as stockpiling, subsidies and quota limitations, have not only proven ineffective and inadequate but have also resulted in the accumulation of substantial Government stockpiling of some metals, including lead and zinc; and

"Whereas some of these stockpiles, including lead and zinc, now loom as an additional market threat to producers, because, under revised Government stockpile objectives, they have been declared to be excessive and it is the intent and purpose of the responsible executive officials to dispose of the surpluses through market channels if adequate congressional authority can be obtained: Now, therefore, be it

"Resolved by the 37th session of the Legislature of the State of Idaho, now in session (the Senate and the House of Representatives concurring), That we respectfully urge the Congress of the United States and the executive department of the Federal Government to formulate and put into effect with all deliberate haste a national minerals policy that will assure the preservation of a sound and stable domestic mining industry by reserving to domestic producers a fair and equitable share of domestic metal markets.

"We recommend that the implementation of this policy include as a minimum:

"1. Retention of congressional control over national stockpiles so as to minimize, if not completely avoid, the adverse market impact of surplus disposal.

"2. Imposition of adequate duties on metal and mineral imports, with variable rates which have maximum application only when the prices of the metals fall below the peril point level that is required to maintain a strong and healthy domestic mining industry.

"3. More effective enforcement of the antidumping laws; and be it further

"Resolved, That the secretary of state of the State of Idaho be, and he thereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this State in the Congress of the United States."

"Passed the house on the 17th day of January 1963.

"PETE T. CENARRUSA,
"Speaker of the House of Representatives.

"Passed the senate on the 18th day of January 1963.

"W. E. DREVLOW,
"President of the Senate.

"Attest:

"ROBERT K. REMAKLUS,
"Chief Clerk of the House of Representatives."

Two concurrent resolutions of the Legislature of the State of Oklahoma; to the Committee on the Judiciary:

"ENROLLED SENATE CONCURRENT RESOLUTION 2

"Concurrent resolution memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to article V thereof

"Resolved by the Senate of the 29th Legislature of the State of Oklahoma (the House of Representatives concurring therein),

"SECTION 1. That this legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'ARTICLE —

" 'SECTION 1. Article V of the Constitution of the United States is hereby amended to read as follows:

" ' "The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the legislatures of two-thirds of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States. Whenever applications from the legislatures of two-thirds of the total number of States of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No State, without its consent, shall be deprived of its equal suffrage in the Senate."

" 'SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission.'

"SEC. 2. That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

"SEC. 3. That a duly attested copy of this resolution be immediately transmitted by the Secretary of the Oklahoma State Senate to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

"Adopted by the senate the 15th day of January 1963.

"ROY C. BOECHER,
"President of the Senate.

"Adopted by the house of representatives the 21st day of January 1963.

"J. D. MCCARTY,
"Speaker of the House of Representatives.

"Attest:

"[SEAL] FRANK RENEAU,
"Secretary of the Senate."

"ENROLLED SENATE CONCURRENT RESOLUTION 3

"Concurrent resolution memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

"Resolved by the Senate of the 29th session of the Oklahoma Legislature (the house of representatives concurring therein):

"SEC. 1. That the Congress of the United States is respectfully petitioned by the Oklahoma State Legislature to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'ARTICLE—

" 'SEC. 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature.

" 'SEC. 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature.

" 'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission.'

"SEC. 2. That if Congress shall have proposed an amendment to the Constitution

identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

"SEC. 3. That a duly attested copy of this resolution be immediately transmitted by the secretary of the Oklahoma State Senate to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from Oklahoma.

"Adopted by the Senate the 15th day of January, 1963.

ROY C. BOECHER,
"President of the Senate.

"Adopted by the house of representatives the 21st day of January 1963.

[SEAL] "J. D. MCCARTY,
"Speaker of the House of Representatives.

"Attest:

"FRANK RENEAU,
"Secretary of the Senate."

A resolution adopted by the City Council of the City of Honolulu, Hawaii, relating to income tax regulations on allowance for travel expenses of people traveling to resort areas; to the Committee on Finance.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOUGLAS:

S. 541. A bill to amend the Trade Expansion Act of 1962 to extend the provisions applicable in respect of the European Economic Community to the European Free Trade Association, and to require that each category of articles designated under section 211 of such act be identifiable by not less than four digits; to the Committee on Finance.

(See the remarks of Mr. DOUGLAS when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF:

S. 542. A bill to provide for the distribution of motor-vehicle tires, and for other purposes; to the Committee on Commerce.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 543. A bill to provide for the expansion of the Custer Battlefield National Cemetery; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S. 544. A bill for the relief of Humbert A. Lie; and

S. 545. A bill for the relief of Sister Laura Saraniti; to the Committee on the Judiciary.

By Mr. ENGLE (for himself and Mr. KUCHEL):

S. 546. A bill to authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, Calif., for a nuclear electric generating station; to the Committee on Armed Services.

By Mr. INOUYE:

S. 547. A bill for the relief of Billy Hing-Tsung Shim;

S. 548. A bill for the relief of Gervacio V. Aranca;

S. 549. A bill for the relief of Carl H. Carson;

S. 550. A bill for the relief of Teresa Isidro Raneses; and

S. 551. A bill for the relief of Luisa G. Valdez, to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. FONG):

S. 552. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KEFAUVER, Mr. RIBICOFF, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. MECHEM, Mr. KEATING, and Mr. HRUSKA):

S. 553. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, and possession of habit-forming barbiturate drugs, and of amphetamine and other habit-forming central nervous system stimulant drugs; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. DODD when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 554. A bill for the relief of Yvonne Helton; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 555. A bill to unify apportionment of liability in cases of collision between vessels, and in other maritime casualties; and

S. 556. A bill to limit the liability of shipowners, and for other purposes; to the Committee on Commerce.

By Mr. SIMPSON:

S. 557. A bill to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas; to the Committee on Finance.

(See the remarks of Mr. SIMPSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 558. A bill to establish an interdepartmental committee to promote economy and efficiency in the conduct of educational and cultural exchange programs; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

Mr. LONG of Missouri (for himself, Mr. KEATING, Mr. BARTLETT, Mr. CLARK, Mr. COOPER, Mr. HUMPHREY, Mr. INOUYE, Mr. KUCHEL, Mr. MCINTYRE, Mr. MORSE, Mr. MOSS, Mr. MUSKIE, Mr. PROXMIRE, and Mr. RANDOLPH):

S. 559. A bill to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. LONG of Missouri when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (for himself and Mr. LONG of Louisiana):

S. 560. A bill for the relief of John T. Knight; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 561. A bill for the relief of Karolina Rado; to the Committee on the Judiciary.

By Mr. KEFAUVER (for himself, Mr. HOLLAND, Mr. DOUGLAS, Mr. LAUSCHE, Mr. HUMPHREY, Mrs. NEUBERGER, Mr. PROXMIRE, Mr. INOUYE, Mr. COOPER, Mr. CHURCH, Mr. METCALF, Mr. SPARKMAN, Mr. PELL, Mr. BYRD of West Virginia, Mr. BURDICK, Mr. MCGOVERN, Mr. NELSON, Mr. BREWSTER, and Mr. BAYH):

S. 562. A bill to establish a National Advisory Commission on Interstate Crime; to the Committee on the Judiciary.

By Mr. CASE (for himself and Mr. RANDOLPH):

S. 563. A bill to amend the Davis-Bacon Act to require compliance with the provisions thereof in the performance of certain agreements, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. MUNDT:

S.J. Res. 30. Joint resolution to advance peaceful relations between the United States and other nations by strengthening and expanding the Mutual Education and Cultural Exchange Act of 1961; to establish biennial art competitions similar to those in European countries which give the arts a status equal to that provided athletics by the international Olympic games; to coordinate cultural exchange programs with the Organization of American States and the Pan American Union; and to provide at colleges and universities centers for technical and cultural interchange similar to that at the University of Hawaii; to the Committee on Foreign Relations.

(See the remarks of Mr. MUNDT when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JACKSON:

S.J. Res. 31. Joint resolution authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy at West Point two citizens and subjects of the Republic of Vietnam; to the Committee on Armed Services.

CONCURRENT RESOLUTION

IDENTITY AND MARKING OF THE LEWIS-CLARK TRAIL FROM ST. LOUIS TO THE PACIFIC NORTHWEST

Mr. MILLER submitted the following concurrent resolution (S. Con. Res. 13) to identify and mark the Lewis-Clark Trail from St. Louis to the Pacific Northwest, which was referred to the Committee on Interior and Insular Affairs:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804–1806 from St. Louis, Missouri, to the Pacific Northwest should, to the greatest extent feasible, be identified, marked and kept available for the inspiration and enjoyment of the American people and that, to this end, (a) all agenices of the United States which administer lands along the route of the expedition, including particularly the Departments of the Interior, Agriculture, and the Army, should act in concert to preserve and mark in an appropriate fashion the route wherever it crosses lands which they administer and to assure public access of the lands so crossed, and (b) that all States, counties, municipalities, and private parties who own land along the route or are otherwise interested in the success of this project should be invited, and they are hereby invited, to join in preserving, marking, and assuring public access to the route of the expedition.

RESOLUTIONS

ENACTMENT BY STATES OF COMPULSORY SCHOOL ATTENDANCE LAWS

Mr. PROXMIRE submitted a resolution (S. Res. 70) favoring enactment by States of compulsory school attendance laws, which was referred to the Committee on Labor and Public Welfare.

(See the above resolution printed in full when submitted by Mr. PROXMIRE, which appears under a separate heading.)

FUNDS FOR ADDITIONAL STAFF FOR COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. HILL submitted the following resolution (S. Res. 71) to provide funds for additional staff for the Committee on Labor and Public Welfare, which was

referred to the Committee on Labor and Public Welfare:

Resolved, That the Committee on Labor and Public Welfare is authorized from February 1, 1963, through January 31, 1964, to employ one additional assistant chief clerk, six additional professional staff members, and eight additional clerical assistants to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202(e), as amended, of the Legislative Reorganization Act of 1946, and the provisions of Public Law 4, Eightieth Congress, approved February 19, 1947, as amended.

TO PRINT AS A SENATE DOCUMENT A REPORT ON COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS, ETC.

Mr. ANDERSON submitted a resolution (S. Res. 72) to print as a Senate document a report on Colorado River storage projects and participating projects, etc., which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. ANDERSON, which appears under a separate heading.)

EXPENDITURES BY AND TEMPORARY PERSONNEL FOR COMMITTEE ON RULES AND ADMINISTRATION

Mr. CANNON submitted the following resolution (S. Res. 73) authorizing the Committee on Rules and Administration to make expenditures and to employ temporary personnel, which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the elevation of the President, Vice President, or Members of Congress;
(2) corrupt practices;
(3) contested elections;
(4) credentials and qualifications;
(5) Federal elections generally; and
(6) Presidential succession.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1963, to January 31, 1964, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,600 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1964.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $65,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO AERONAUTICAL AND SPACE ACTIVITIES OF FEDERAL DEPARTMENTS AND AGENCIES

Mr. RUSSELL (for himself and Mr. ANDERSON) submitted the following resolution (S. Res. 74) authorizing the Committee on Aeronautical and Space Sciences to make a study of matters pertaining to aeronautical and space activities of Federal departments and agencies, which was referred to the Committee on Aeronautical and Space Sciences:

Resolved, That the Committee on Aeronautical and Space Sciences, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the aeronautical and space activities of departments and agencies of the United States, including such activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. (a) For the purposes of this resolution the committee is authorized, from , 1963, through January 31, 1964, inclusive, to (1) make such expenditures as it deems advisable, (2) employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants, and (3) with the prior consent of the head of the department or agency of the Government concerned and the Committee on Rules and Administration, utilize the reimbursable services, information, facilities, and personnel of any department or agency of the Government.

(b) The minority is authorized to select one person for appointment as an assistant or consultant, and the person so selected shall be appointed. No assistant or consultant may receive compensation at an annual gross rate which exceeds by more than $1,600 the annual gross rate of compensation of any person so selected by the minority.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1964.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $90,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AMENDMENT OF TRADE EXPANSION ACT OF 1962—80-PERCENT CLAUSE

Mr. DOUGLAS. Mr. President, I introduce, for appropriate reference, a bill to amend the Trade Expansion Act of 1962. This amendment is virtually the same amendment that I got into the trade bill during Senate Finance Committee and floor consideration last year, but which was lost in conference.

Under the dominant supplier clause of the Trade Expansion Act, where the United States and nations of the Common Market have 80 percent of the world's trade in a particular commodity or series of commodities, there is authority to bargain the tariffs on these commodities down to zero.

However, the provision was written under the assumption that Great Britain would be a member of the Common Market. Unless Great Britain becomes a member of the Common Market, only jet aircraft and margarine would be covered by the clause.

Thus, the real purpose of this bill, which is an amendment to the Trade Act, is to make the dominant supplier clause meaningful. Without this amendment, it is almost meaningless. The present formula would not permit special down-to-zero bargaining in such vital categories of U.S. exports as automobiles, trucks, and buses; metalworking machinery; mining construction and other industrial machinery; agricultural machinery, including tractors; organic chemicals; other chemicals, including plastics and insecticides; office machinery; power-generating machinery; other electrical machinery; paper and paper products; and rubber manufacturers to name a number of them.

There are at least another 15 commodity groups which are now excluded from the down-to-zero bargaining authority which would be included if the amendment to the act were passed.

It appears that chapter 2 will, in fact, not be usable over a broad range of product categories until and unless the United Kingdom and some other European countries formally join the Common Market. A widely distributed list, prepared by the Department of Commerce, shows that 26 major categories of trade would be eligible under chapter 2—but only if the United Kingdom, Denmark, Greece, Ireland, and Norway all succeed in joining the EEC.

This amendment would allow the dominant supplier clause of the act to apply to the United States and the Common Market and any nation of the European Free Trade Association so designated by the President.

This amendment would again give the dominant supplier clause real meaning and allow us to bargain down the European tariffs to zero on a wide range of commodities.

Thus, in effect, the amendment allows the dominant supplier clause to be applied not only to the European Six, but also to Great Britain and to any of the other countries of EFTA which are designated by the President.

This is really what was largely intended when the Trade Expansion Act was drafted. However, it was drafted under the very rosy assumption that Great Britain would automatically become a member. As we know, this is not now the case, and it may never be the case if General de Gaulle and France remain as obstinate about British membership as they are now.

Thus, this amendment is absolutely essential if this part of the act is to have any real meaning.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 541) to amend the Trade Expansion Act of 1962 to extend the provisions applicable in respect of the Euro-

pean Economic Community to the European Free Trade Association, and to require that each category of articles designated under section 211 of such act be identifiable by not less than four digits, introduced by Mr. DOUGLAS, was received, read twice by its title, and referred to the Committee on Finance.

REGULATION OF MANUFACTURE AND DISTRIBUTION OF CERTAIN DRUGS

Mr. DODD. Mr. President, in behalf of myself and Mr. KEFAUVER, Mr. RIBICOFF, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. MECHEM, Mr. KEATING, and Mr. HRUSKA, I introduce, for appropriate reference, a bill to regulate the manufacture, compounding, processing, distribution, and possession of habit-forming barbiturate drugs, and of amphetamine and other habit-forming central nervous system stimulant drugs.

Mr. President, on October 8, 1962, here on the floor of the Senate, I outlined my attempts over a 16-month period of the 87th Congress to obtain the passage of a piece of legislation which I consider vital to the welfare of our young people. I outlined the need for stronger Federal controls of the dangerous drugs by documenting the staggering increases in juvenile addiction to these so-called pep pills and goof balls.

I proposed a bill that would make a series of the stimulant drugs subject to the provisions of the Federal Food, Drug, and Cosmetic Act. The barbiturate drugs were also included in this bill, as they are used illegally by juveniles in great quantities for purposes of chemically altering the nervous system. These drugs, the barbiturates, produce a habitation that is as severe and as self-destructive as the narcotic drugs.

While the solution to this problem is not easy, I felt that a giant stride toward a solution could be made by amending the law to make possible realistic law enforcement. The sale of these drugs without a prescription is already illegal, but no effective and organized attack on these illegal sales can be made unless law enforcement officials know exactly where and in what quantities these drugs are being produced and to whom they are being shipped for resale.

The provisions in my bill met this need by providing:

First. That manufacturers, compounders, and processors of barbiturates and amphetamines be required to register their names and addresses with the Department of Health, Education, and Welfare.

Second. That manufacturers and others engaged in receiving or disposing of such drugs be required to keep records of the quantities of such drugs they handle and make these records available to food and drug inspectors.

Third. That adequate authority be given to drug inspectors to inspect establishments, inventory stocks, vehicles, and other facilities relevant to the proper investigation of the disposal of drugs.

In emphasizing the seriousness of the offense, I raised the penalties from the present $1,000 fine and 1 year in jail to $2,000 fine and 2 years in jail. In addition, I called for more severe penalties for repeaters and those found selling to children and teenagers.

In my October statement to the Senate, I presented the results of our hearings which were held in our two major population centers, Los Angeles and New York City, in which witness after witness in monotonous repetition told of the availability and abuse of these drugs in all sections of these cities, among all classes of people, and among all types of youth. In spite of my efforts as chairman of the Juvenile Delinquency Subcommittee, however, no action was taken on the proposed legislation in the 87th Congress.

I further stated that with the new Congress I hoped to get a quick start toward the ultimate goal of final passage of this legislation without which this country will sacrifice thousands of our citizens to the living death of addiction. Thousands of others will die from overdoses or at the hands of crazed pep pill addicts.

There is one new provision in the bill I am introducing today as compared to the version I introduced in the 87th Congress. After further careful study of the barbiturate and amphetamine traffic as it exists throughout the country, the subcommittee took under advisement a provision to make possession of these drugs illegal. A recommendation to this effect was made to the committee by the Department of Health, Education, and Welfare, but the provision was not included in previous versions because I felt that a blanket possession provision might create an injustice to those who, daily, legitimately use these drugs. However, in the interim, we have developed new terminology which is designed to get at the illicit trafficker who has large quantities in his possession, while allowing the legitimate possessor of the barbiturate and amphetamine drugs to remain free from any possible difficulties with the law. I have, therefore, added a new section which will make possession of these drugs illegal, except if the drugs are for one's own use, for the use of a member of his family, or for administration to pets and other animals.

As I pointed out in a previous plea for the passage of this drug-control bill, the illegal use of the billions of these pills which have flooded this country, has reached epidemic proportions. During the 4 months of adjournment, this epidemic has apparently continued to spread throughout the country. The subcommittee in an effort to keep abreast of the spread of this infection communicated with the police chiefs of 128 of our major cities. Their replies to the subcommittee have more than substantiated what I have contended for the last 2 years:

The use of these drugs is increasing at a fantastic rate.

The use of these drugs has a direct causal relationship to increased crimes of violence.

The use of these drugs is replacing, in many cases, the use of the "hard" narcotics, such as opium, heroin, and cocaine.

The use of these drugs is more and more prevalent among the so-called white-collar youths who have never had prior delinquency records.

And something new has been added:

The use of these drugs is increasingly identified as causes of heinous sexual crimes and perversions.

The illegal traffic in these drugs has created a sense of urgency on the part of responsible law enforcement officers, the great majority of whom urged the passage of the legislation which I introduce today.

To show each and every Member of the Senate that his own home State, its large cities, and its children are the victims of this illegal traffic in deadly drugs, I would like to refer to the responses of some police officials who communicated with the Juvenile Delinquency Subcommittee.

In identifying the types of crime that flow from the use of these drugs, the police chief of Boston, Mass., listed:

> Homosexuality, automobile violations, prostitution, promiscuous sex behavior.

The police chief of Dallas, Tex., replied:

> There has been a definite relationship between dangerous drugs and many arrests made for crimes of violence and sex perversion. The majority of known criminal offenders not using narcotic drugs or marijuana use some form of dangerous drugs.

The police chief of Salt Lake City, Utah, replied:

> Individuals who have been arrested for a violation such as drunk driving, disturbing the peace, obscene conduct, or in some instances felonious assaults, we find later that their action was caused by the use of these drugs.

The police chief of Oakland, Calif., replied:

> Automobile accidents; fighting; resisting arrest; wild parties; armed robberies; shootings; knifings; running berserk; hallucinations, and general effects seen in alcoholism.

And, finally, I would like to refer to the police chief of St. Louis, Mo., who told the subcommittee:

> In the past 2 years we have noticed an increase in crimes, such as rapes and robberies in which the victim has been brutally beaten, cut, or shot, wherein the assailant was using or under the influence of the amphetamine drug.

I need not go on. I feel this documentation from areas representing widely different parts of this country are adequate testimony to the danger inherent in the abuse of these drugs.

We also learned from our correspondents the extent of the increases in the dangerous drug traffic, as evidenced by the yearly increases in arrests from 1958 to 1962. The information they provided gives further evidence of the surging nature of this illegal traffic. Before quoting these figures, I would like to remind my colleagues that competent police witnesses who testified before our subcommittee estimated that only 1 and certainly no more than 10 percent of the dangerous drug violations ever come to the attention of the police. If this is so, the figures I am about to recite assume menacing connotations.

We were told that in Seattle, Wash., from 1961 to 1962, there was a 30-percent increase in dangerous drug arrests.

In Dallas, Tex., over the same period, there was an 18-percent increase. Dallas, I might add, has more arrests for this offense than any of the responding cities. Since 1958 this community has experienced a 72-percent increase in dangerous drug arrests.

San Francisco, Calif., recorded a 76-percent increase in arrests between 1961 and 1962.

Between 1958 and 1962, Oklahoma City recorded a 59-percent increase.

Other areas, inexperienced with this new plague, while not recording high arrest rates, did experience dramatic increases in the numbers of police contacts relating to the dangerous-drug traffic. For example, the police chief of the city of Detroit told the subcommittee:

> Since 1958 the narcotic bureau has processed hundreds of prisoners arrested for violation of the dangerous-drug law, but were unable to prosecute due to a questionable arrest or youthfulness of the defendant.

As far as the legislation I am proposing is concerned, I would like to point out that the deadly heroin, the preferred drug of addicts until recently, is outlawed from its inception. It has no value except to the underworld and it is there that its creation and distribution is planned and executed.

However, the amphetamines and barbiturates are legitimate drugs. From testimony taken at previous hearings, we on the subcommittee were convinced that the primary source of dangerous drugs that eventually ended up in the illegal market were siphoned off from legitimate channels. The traffic, in effect, was due to a breakdown in controls between legitimate producers, wholesalers, retailers, and physicians. The replies to our recent inquiry confirmed this testimony.

There were indications of other more ominous trends in the dangerous-drug traffic over the past several months.

As with the historical development of the traditional narcotics addict such as the heroin user, the use and abuse of these drugs is being adopted to a great degree by the criminal element in our large cities. I contend that this development will cause even greater increases in crimes of violence, aggression, assault, homicide, and rape.

From the police chief of Portland, Oreg., we learned that:

> Traffic and use by underworld characters has vastly increased in this area in the past few months. Such usage is now largely confined to the old narcotic users, and underworld characters; however, we already have indications that such usage of dangerous drugs is spreading to other groups including college students and juveniles.

From this statement, I think it is apparent that, as with heroin, the criminal element is looking, and finding, juveniles and youths who will support the adult criminal's habit and, indeed, make him a profit.

As with the hard narcotics, we can look forward to a whole new underworld in dangerous drugs rising if corrective measures are not taken quickly. The techniques used by the heroin pusher of proselytizing new users and creating a larger and larger market will be used with equal vigor by the dangerous drug peddler.

That this is a problem of direct and increasing effect on our youth population was confirmed by the police chief of Seattle, Wash., who told the subcommittee:

> It is my opinion that there is a decided upsurge in the traffic in dangerous drugs. These violations create a whole new set of circumstances of which our present laws to curtail violations are inadequate. I believe this problem to be here to stay and it is closely correlated to the narcotic problem. It creates new addicts of the worst sort, primarily among the younger set, and a large majority of them will be hardened addicts in the future. Penalties have to be stiffened in some way to curtail the dealers in their lucrative venture.

My colleagues from the State of Florida will be interested to hear that the police chief of Miami, in endorsing the need for remedial legislation, told the committee:

> We feel that these drugs are so dangerous that the sale and manufacture of them should be controlled in the same manner as are narcotics. Our biggest problem is the control and check from the manufacturer to wholesaler to retailer. Many times there are no invoices to show how many capsules or pills were purchased at these levels.

I think the point has been made by these professional people in the field of crime and delinquency control: The dangerous drug problem is with us; it is growing, and it is acute.

Mr. President, I sincerely hope that the inaction that so persistently dogged my efforts to obtain passage of this legislation in the last Congress will not manifest itself in the 88th Congress. As I pointed out in October 1962, everyone from the President to the law enforcement officer on the sidewalk, from the large drug companies to the representatives of every segment of the field of pharmacy, has supported this legislation.

On November 20, 1962, the new Secretary of the Department of Health, Education, and Welfare, Anthony J. Celebrezze, said that two areas of legislation would receive top priority attention from his Department, one of which is the development of stronger controls over the distribution and sale of the amphetamine and barbiturate drugs. I know that Secretary Celebrezze will back the legislation which I am introducing today as it was a cooperative effort between his people and our subcommittee that resulted in the bill I am proposing.

With this tremendous and obvious need, with the overwhelming backing for this legislation, and with the support of the 88th Congress, I feel that there is no reason why we cannot obtain swift passage of the amendment which I and my colleagues are proposing. I, therefore, commend this new bill, the Barbiturant and Stimulant Drug Control Amendment of 1963, to the attention of the Senate, and I pray that it will be given the immediate and urgent attention which the problem demands.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 553) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, and possession of habit-forming barbiturate drugs, and of amphetamine and other habit-forming central nervous system stimulant drugs, introduced by Mr. DODD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. HRUSKA. Mr. President, under the leadership of the distinguished Senator from Connecticut [Mr. DODD], the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary has brought to the attention of the American people and Congress the critical problem surrounding the widespread illicit traffic in barbiturates, amphetamines, and other habit-forming drugs. Certainly all those who worked on this endeavor are deserving of our praise and commendation.

This Nation has no greater resource than its young people. Yet, because of juvenile delinquency, we are losing some of the energy and creative talents that they have to give. Moreover, rather than receding or abating, the problem is increasing.

In many instances the use of habit-forming drugs has been directly involved in acts of delinquency. What a human tragedy that the lives and fortunes of our young people should be jeopardized by goof balls and pep pills. The use of such drugs is, in some cases, a prelude to that greatest of all human misfortunes, narcotic addiction.

The Barbiturate and Stimulant Control Amendment of 1963 is an effort to avert further lawlessness, and I am proud to join in cosponsorship. This bill is not based on a system of Federal licensing. Rather, it calls for the keeping of certain records and accounts so that a proper surveillance of these drugs can be maintained. In this way it is hoped that their illicit use can be suppressed.

The bill recognizes that there are a number of legitimate uses for stimulant drugs, and it contains nothing which would discourage or impair such uses. The reference of the measure to the Labor and Public Welfare Committee is entirely appropriate. However, I want to congratulate Senator DODD for his leadership in this field.

All in all, this is constructive legislation. It is worthy of widespread support and early enactment.

IMPOSITION OF ADDITIONAL DUTIES ON CERTAIN CATTLE, BEEF, AND VEAL

Mr. SIMPSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas.

I ask unanimous consent that the bill may lie on the desk for 5 days so that any other Senator who cares to do so may join as a cosponsor.

The VICE PRESIDENT. The bill will be received and appropriately referred;

and, without objection, the bill will lie on the desk as requested by the Senator from Wyoming.

The bill (S. 557) to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas, introduced by Mr. SIMPSON, was received, read twice by its title, and referred to the Committee on Finance.

REVISION OF FEDERAL ELECTION LAWS

Mr. LONG of Missouri. Mr. President, this past fall the voters of the United States again went to the polls without all the information they should have had for deciding how to vote. Because of the minimal reporting requirements of the Federal Corrupt Practices Act, voters had very limited information concerning campaign finances. Also, the candidates had to finance their campaigns within limits set in 1925. It is my hope and I know the hope of many others that the inadequacies of our present law will be corrected before the election in 1964.

Today, I am introducing a bill which I believe would give real meaning to our Federal elections laws. Joining with me in the introduction of this bill are Senator KEATING, Senator BARTLETT, Senator CLARK, Senator COOPER, Senator HUMPHREY, Senator INOUYE, Senator KUCHEL, Senator MCINTYRE, Senator MORSE, Senator MOSS, Senator MUSKIE, Senator PROXMIRE, and Senator RANDOLPH.

It is gratifying to have Members of both political parties join with me in this effort for sound election laws are a matter of concern to all Americans.

The present law is based on the concepts that the amount spent in a campaign should be limited and that the candidates and political committees should disclose their receipts and expenditures. These principles are sound but unfortunately the present law is ineffective. It covers only general and special elections despite the fact that the nominating process is an integral part of an election. The bill I introduce would extend coverage to primary elections, caucuses, and conventions.

Under present law only political committees operating in two or more States must report. It is a well-known fact that a substantial part of the funds spent in the election of congressional candidates is handled by committees that operate in only one State. The bill, therefore, brings within its reporting provisions all political committees that receive or expend more than $2,500 to influence Federal elections.

Under present law, a person can contribute $5,000 to as many candidates and committees as he likes. No one should be able to exert unlimited financial influence on Federal elections. Therefore, the bill would place a $10,000 overall annual limit on political contributions by one person.

In addition to filing reports in Washington as now required, under the bill candidates and committees would have to file reports in the State.

As I said earlier, the expenditure limits of present law were set many years ago. They have become unrealistic. Not only have costs increased since their enactment, but we now make extensive use of a completely new media, television. Therefore, the bill would raise expenditure limits to a realistic level. The bill also would establish limits on expenditures by candidates for the Office of President and Vice President. There are no limits on such candidates at this time.

Finally, the bill contains a provision which has promise of meeting one of the most difficult problems facing many candidates, the raising of sufficient funds to run the campaign. The bill would allow a taxpayer to claim a credit against his income tax of 50 percent of his political contributions up to $20. That is, the maximum credit allowed would be $10.

In my opinion, the enactment of the above provisions would give our Nation an effective election law of which all Americans could be proud. It would remove the aura of suspicion which must necessarily accompany elections today because of the inadequate limits and reporting requirements of present law.

The St. Louis Post-Dispatch recently published an editorial which expresses well the feeling of many with respect to election legislation. While I am relatively a newcomer to the Senate, I am quite familiar with the efforts of my predecessor, the late Senator Tom Hennings, to enact sound election legislation. The realization that a bill similar to the one here proposed has been introduced in every Congress for a decade without final congressional action does give one a feeling of hopelessness, a sense of participating in an opening rite of Congress. However, there is reason to hope that action may be taken during this Congress. President Kennedy, recognizing the shortcomings of present election laws, established in the fall of 1961 a Commission on Campaign Costs. This distinguished bipartisan Commission, under the able leadership of Alexander Heard, after careful study submitted to the President a number of recommendations for changes in the law. The President in turn sent a number of recommendations to the Congress. While the recommendations apply only to presidential campaigns, the Commission and the President indicated the recommendations would have a desirable effect on all political fund raising. The recommendations include many of the ideas found in the bill I introduce. They call for the inclusion of the nominating process. They call for reporting by all political committees receiving or expending over $2,500 and they call for a tax incentive with respect to political contributions.

One of the reasons I believe Congress has failed to act in the past on election bills is the feeling among many Members that they have been able to campaign successfully under present law and that outside of a few advocates, no one is really concerned over the need for a change. A few Members of Congress have continually urged and worked for reform. A few newspapers have from time to time editorially advocated change, and one or two citizens committees have expressed interest. However, there has never been an organized and concentrated effort to focus public attention on the need for action. The work of the President's Commission could be a good start in filling this void.

In 1960, the Senate approved a sound bill almost identical to the measure I introduce except it did not include the tax incentive provision. The House failed to act. Again in 1961, the Senate approved a bill; however, this time it did not contain a number of the important provisions found in the 1960 bill. During the 1961 debate in the Senate, the junior Senator from New York and I joined together in offering three amendments which we believed necessary to adequate legislation: inclusion of primaries, reports by intrastate committees and an overall limit on contributions. Because the junior Senator from New York and I have worked so closely on this proposal, I have listed him as the first cosponsor. I am deeply indebted to him and a number of my other colleagues for their good counsel and able support in this continuing effort.

It is my hope that extensive hearings will be held on this bill, bills recommended by the President and other bills which have and will be introduced to improve our election laws. The Congress must recognize and accept its responsibility to the American people in this area. Our democracy can be no stronger than our election process.

Mr. President, I ask unanimous consent that the St. Louis Post-Dispatch editorial I referred to earlier be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN THE HOPPER ONCE AGAIN

What seems on the way to becoming another of the opening rites of Congress—like debates on the rules—has been performed with suitable decorum. Senator CANNON, of Nevada, has introduced a bill to reform campaign spending regulations. To feel slightly hopeless about this is not to be cynical, but merely somewhat discouraged by experience.

The late Senator Hennings, of Missouri, brought in such a bill time and again. The Senate occasionally gave its approval. It passed Senator CANNON'S bill last year. But there seems to be a standard last line. The bill died in the House.

More or less like earlier bills, the latest would raise the unrealistic $3 million limit on the committees to about $14 million for a presidential election. Even that seems inadequate unless campaigns are to become shorter and more modest. Higher ceilings are proposed also for congressional campaigns.

Most elected officials must feel ill at ease under the implications of campaigns obviously conducted at a cost far in excess of what the present rules suggest. They know that by now the public knows that most campaign money is raised without official or unofficial publicity. The existing rules do not require anything like adequate reporting of political contributions, and they make it necessary to accept money under the table, regardless of motive. They favor those seekers of favors or privileges who prefer to remain in the dark.

American politics and politicians are not as graft-ridden as once they were. Yet there is persisting reluctance to change rules which reflect the old unsavory approach to the game.

Mr. LONG of Missouri. Mr. President, I introduce on behalf of myself and a number of my colleagues for appropriate reference a bill to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 559) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, introduced by Mr. LONG of Missouri (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Rules and Administration.

Mr. KEATING. Mr. President, I have today again joined with Senator LONG of Missouri and others in proposing legislation to prevent corrupt practices in Federal elections.

The costs of campaigning for Federal office have skyrocketed. The money behind a candidate can become a decisive factor in determining whether he will win or lose the election. There is an ever-present danger of fraud and undue influence if this condition is not sensibly regulated. The situation which now exists threatens not only the integrity of the Government, but its representative character. It cannot continue to be neglected by Congress.

There are laws dealing with corrupt practices in Federal elections but they are grievously inadequate. In a few respects they are too restrictive and thereby encourage wholesale schemes of evasion which escape any control. The major problem, however, is that the existing laws contain wide gaps which leave many aspects of campaign financing wholly unregulated.

The bill we have introduced would completely revise the present laws. It would discourage the improper use of funds to influence elections by requiring a full disclosure of the sources and transfer of campaign contributions. It would prevent undue influence on a candidate by limiting the overall campaign contributions of any one contributor. It would broaden the base of financial support for all parties by allowing a $10 income tax credit for political contributions. It would place realistic limits on the total campaign expenditures for congressional elections and for the first time limit the expenditures for presidential campaigns. Finally, it would apply to primaries as well as general elections so as not to exclude from its impact States in which the primary campaign is the only meaningful step in the electoral process.

We boast of the right to vote as one of the great heritages of the Republic. This boast has sometimes blinded us to the glaring defects in the present electoral system. Millions of Americans are deprived of their right to fully participate in the electoral process each year by a combination of corruption, unfair residence laws and discriminatory practices. The bill we are introducing today is directed at only one of these problems, but I intend in the near future to introduce other measures to both protect and expand the right of the franchise.

Congress cannot continue to refuse to come to grips with these problems. There is no more important subject in a free society than the process by which the representatives of the people are chosen. Our present practices leave much to be desired, and we must resolve to do better if we are to preserve our freedom and be faithful to our constitutional heritage.

ENACTMENT BY STATES OF COMPULSORY SCHOOL ATTENDANCE LAWS

Mr. PROXMIRE. Mr. President, I submit a sense of the Senate resolution calling on State school authorities to raise compulsory school attendance to the 17th birthday.

High school dropouts are seriously aggravating our number one economic problem: unemployment.

The most recent Bureau of Labor Statistics show 1 million young people aged 14 to 19 who are in the labor force but out of work. If present trends continue, by 1970 the number will be 1.5 million. As they are now, so they will be then: the largest single age group of unemployed workers in America.

The serious human tragedy is that many of these young people will be out of work most of their lives because of their lack of the skills and training industry needs now and will need even more in the future.

The right kind of increased education is a key to reducing this unemployment. It is the best way to develop the competence and skills that our young people need in order to fill the thousands of skilled jobs opening up every week, as technology races ahead.

As a national goal, States and communities should be encouraged to provide useful education and training opportunities for young people until their 17th birthday.

Achievement of this goal would not only reduce unemployment, it would strengthen America in the most fundamental possible way: by increasing the skills and abilities of our people. In this technological age, this increase in American skill is the number one source of our power.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 70) was referred to the Committee on Labor and Public Welfare, as follows:

Whereas education and training enable young people to develop useful skills and talents; and

Whereas young people with limited education have difficulty finding and keeping satisfactory employment; and

Whereas there exists a seriously high level of unemployment among our Nation's young people, especially those with low educational attainment; and

Whereas a large percentage of all the unemployed in our Nation are young people; and

Whereas the several States and communities of our Nation have full responsibility and authority over education policies and standards: Now, therefore, be it

Resolved, That it is the sense of the Senate (1) that it should be a national goal that all States have compulsory school attendance laws requiring school attendance until the seventeenth birthday or completion of the twelfth grade if prior to such birthday, and (2) that all States and communities should be encouraged to provide adequate education and training opportunities for young people while in such required attendance.

TO PRINT AS A SENATE DOCUMENT THE "SIXTH ANNUAL REPORT ON THE STATUS OF THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS" AND "GENERAL PRINCIPLES TO GOVERN, AND OPERATING CRITERIA FOR, GLEN CANYON RESERVOIR, LAKE POWELL, AND LAKE MEAD DURING THE LAKE POWELL FILLING PERIOD"

Mr. ANDERSON. Mr. President, under date of December 28, 1962, the Assistant Secretary of the Interior, Hon. Kenneth Holum, transmitted to the President of the Senate the sixth annual report of the Department on the status of the Colorado River storage project and participating projects as required by section 6 of the authorizing act of April 11, 1956—70 Stat. 105.

The report calls attention to three significant events in the development of the project: First, the substantial completion of the Paonia participating project in western Colorado; second, the receipt of the first operating revenues from the sale of water on the Navajo storage unit in New Mexico; and third, the authorization on June 13, 1962, of the Navajo Indian Irrigation and San Juan-Chama projects.

Annually this report has been printed as a Senate document, and, in conformity with this precedent, I send forward a resolution authorizing that this report be printed.

In addition, Mr. President, the Glen Canyon Dam, which one of the key units of the project is nearing completion and filling of its mighty reservoir, Lake Powell, is about to start. Because of the great importance of this unit to the development of the entire Colorado River system, I am presenting a statement of the criteria and principles governing the filling and operation of the Glen Canyon Dam and Reservoir to be printed as an appendix to the sixth annual report.

Mr. President, I am certain that every Member of the Congress is aware of how vital to the West and to the Nation is the full development of the Colorado River and its resources. As the Dean of the Senate, the distinguished Senator from Arizona, CARL HAYDEN, so picturesquely expresses it:

The Colorado River is the West's last waterhole.

One of the great forward steps the Congress has taken toward maximum development of this cornerstone of so much of the West's and the Nation's,

prosperity was the enactment in 1956 of the Colorado River Storage Project Act, which is Public Law 485, 84th Congress. Among the participating projects authorized by this monumental legislation, which I had the honor to sponsor, was construction of the Glen Canyon Dam and Reservoir.

As construction of Glen Canyon Dam progressed, the Secretary of the Interior Stewart Udall initiated studies, in consultation with all of the diverse interests of the Colorado River Basin, to determine how Lake Powell could be filled with the least possible disruption of the many activities now dependent upon the flow of the river. The Secretary was faced with difficult decisions in formulating the filling criteria finally adopted. These decisions, made, as I have pointed out, only after the most searching study and exhaustive consultation with the varied Colorado River Basin interests, reflect impartial judgment based on expert advice, and are in the best interests of the Colorado Basin as a whole, I am confident.

Fortunately, the favorable runoff of the Colorado River during 1962 will result in almost ideal conditions for the initiation of storage in Lake Powell. With average or near average flows for the next few years the Upper Basin reservoirs can be filled with a minimum of effect on downstream interests.

The filling of Lake Powell, which will rival Hoover Dam and Lake Mead in size and capacity, together with the other Upper Basin storage reservoirs, will be another long step forward in unlocking the door to full development of the Upper Basin's water resources. In this respect the Upper Basin structures will serve, in effect, the same purposes that Hoover, Parker, and Davis Dams do for the Lower Basin. Together, these Upper and Lower Basin reservoirs will approach full control of the once-rampaging Colorado River.

In reaching this objective I sincerely hope that Secretary Udall may have the full cooperation of all basin interests and that the remaining development of the Colorado River Basin can proceed at full speed and in harmony and equity.

I am convinced that the printing, as a Senate document, of the sixth annual report on the status of the Colorado River Storage project and participating projects and the statement of the principles and criteria arrived at by the Secretary and his expert advisers for the filling of Glen Canyon Reservoir will be of value to the Congress and the Nation.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 72) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document the "Sixth Annual Report on the Status of the Colorado River Storage Project and Participating Projects," and "General Principles to Govern, and Operating Criteria for, Glen Canyon Reservoir (Lake Powell) and Lake Mead during the Lake Powell Filling Period," prepared by the Department of the Interior, with an introductory statement.

AMENDMENT OF RULE RELATING TO CLOTURE—AMENDMENT

Mr. PROUTY submitted an amendment, intended to be proposed by him, to the resolution (S. Res. 9) to amend the cloture rule of the Senate, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. ANDERSON. Mr. President, I ask unanimous consent to include among the cosponsors of S. 4, the wilderness bill, the junior Senator from Connecticut [Mr. RIBICOFF], and the inclusion of his name on the next printing of the bill.

I ask unanimous consent for inclusion of the name of the junior Senator from California [Mr. ENGLE] as a cosponsor of S. 20, the Bureau of Outdoor Recreation bill, on any reprint of that measure.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the name of our colleague from Wisconsin [Mr. NELSON] may be added as a cosponsor of the bill (S. 11) to amend the Clayton Act as amended by the Robinson-Patman Act with reference to equality of opportunity, on the next printing of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of January 16, 1963:

S. 287. A bill to amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade, and for other purposes: Mr. TOWER.

S. 288. A bill to prohibit strikes by employees employed in certain strategic defense facilities: Mr. THURMOND.

Authority of January 21, 1963:

S. 397. A bill to repeal the tax on transfer of silver bullion, and for other purposes: Mr. ALLOTT and Mr. GOLDWATER.

Authority of January 23, 1963:

S. 450. A bill to amend the Davis-Bacon Act, as amended; the Federal Airport Act, as amended; and the National Housing Act, as amended; and for other purposes: Mr. BARTLETT, Mr. GRUENING, Mr. WILLIAMS of New Jersey, Mr. METCALF, and Mr. INOUYE.

Authority of January 24, 1963:

S. 502. A bill to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam: Mr. CANNON.

AMENDMENT OF PUBLIC LAWS 815 AND 874, 81ST CONGRESS—EXTENSION OF TIME FOR BILL TO LIE ON THE DESK

Mr. GRUENING. Mr. President, in the absence of my colleague, the distinguished Senator from Utah [Mr. Moss], and at his request, I ask unanimous consent that the bill (S. 415) to amend Public Laws 815 and 874, 81st Congress, in order to extend for 1 year certain expiring provisions thereof, and for other purposes, introduced by him on January 22, 1963, be permitted to lie at the desk for an additional week through Monday, February 4, so as to permit those Senators who wish to do so to join with him in sponsoring this measure.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Edward M. Korry, of New York, to be Ambassador Extraordinary and Plenipotentiary to Ethiopia.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF HEARING ON NOMINATION OF MANUEL F. L. GUERRERO TO BE GOVERNOR OF GUAM

Mr. ANDERSON. Mr. President, for the information of the Senate, I would like to announce that the Senate Committee on Interior and Insular Affairs has tentatively scheduled an open hearing on February 6 to consider the nomination of Manuel F. L. Guerrero to be Governor of Guam.

Any Member of Congress or other interested person wishing to testify at the hearing on this nomination is certainly welcome to do so.

The hearing will be held in room 3110 of the New Senate Office Building, beginning at 10 a.m.

I recognize that there are possibilities which might preclude the holding of the hearing. Nevertheless I make the announcement at this time.

NOTICE OF HEARING ON SENATE BILL 20, TO PROMOTE DEVELOPMENT OF EFFECTIVE PROGRAMS RELATING TO OUTDOOR RECREATION

Mr. ANDERSON. Mr. President, I would like to announce for the information of the Senate and other interested persons that the Senate Committee on Interior and Insular Affairs has scheduled a hearing on S. 20, a bill to promote the coordination and development of effective Federal and State programs relating to outdoor recreation, and for other purposes, at 10 a.m. on February 5, in room 3110 of the New Senate Office Building.

Any Senator or other person wishing to testify at the hearing should notify the committee in order that he might be scheduled as a witness.

Again, I recognize that there may be objection by the majority leader to the holding of the hearing at that time. This announcement is made on the basis that the hearing may be held then.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc.,

were ordered to be printed in the RECORD, as follows:

By Mr. KEFAUVER:

Address by Senator CLAIBORNE PELL of Rhode Island, delivered at Old St. John's, Georgetown, January 13, 1963.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I should like to make a statement, but before I do, I would like to yield to the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Wisconsin only, because earlier he allowed me to ask for a quorum call.

Mr. PROXMIRE. Mr. President, I thank the Senator.

The VICE PRESIDENT. The Senate will be in order. The Senator from Montana asks consent to yield to the Senator from Wisconsin without losing the floor. Is there objection? Without objection, it is so ordered.

EXTRAVAGANT AIRLINE SUBSIDY

Mr. PROXMIRE. Mr. President, recently I pointed out on the floor of the Senate that the subsidy to commercial aviation has increased since 1957 from $219 million to a fantastic $885 million. A few days ago a Milwaukee Journal article discussed this huge subsidy.

I ask unanimous consent that the editorial from the Milwaukee Journal be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AIRLINE SUBSIDY TOO HIGH

Local service airlines such as North Central and Ozark, which serve Wisconsin points, have been getting more and more Federal subsidy. And this despite increasing business.

A January report from the Civil Aeronautics Board (CAB) shows subsidies of $65.7 million to the 13 local service airlines for the fiscal year ending last June 30. Estimated payments for this fiscal year will be $69.1 million, or more than twice what they were 5 years before. (The domestic trunk airlines such as Northwest and United get no direct subsidies.)

An estimated 7.8 million passengers were carried on local service lines last year. That was 21 percent more than in the year before.

The number of passenger-miles (one passenger carried 1 mile) showed an increase almost as large. But even if more than 25 percent of the subsidy is considered as going for the mail, freight, and express carried, the Government was paying around 3 cents a mile for every passenger, in addition to the fare collected.

During the development period some subsidy has been justified. For extremely remote points, where there is a sufficient need and use, there may still be justification to give subsidized service. Certainly the time has come for substantial and steady reduction of total payments, however.

The CAB thinks that it will come. It expects the downward trend to commence next year.

The forecast is based in part on anticipated curtailment or suspension of service at weaker traffic generating points. And it believes that establishment of regional airports, to serve several medium sized to small cities that would otherwise have or want service at their own separate airports, holds promise for economy. Both moves could affect service at some Wisconsin points.

If political pressure on behalf of a few inconvenienced communities isn't too great, this subsidy can at least be cut to a fraction of what it is now. It should be. With extension of high speed I roads, the need for local air service with frequent stops is much reduced.

The airlines must be helped and urged to wean themselves from Federal subsidy as rapidly as possible. And communities must be convinced that there is no obligation to provide them with uneconomical air service.

FULBRIGHT'S ELOQUENT PLEA FOR IMPROVED EDUCATION

Mr. PROXMIRE. Mr. President, at a recent seminar in New York our distinguished chairman of the Senate Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], commented on the importance of education to freedom and the national security. In what I think was a remarkably succinct, and eloquent statement, the Senator from Arkansas asked for a reconsideration of priorities in our American society to recognize the central importance of education.

I ask unanimous consent that the very short statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Whether in fact a people's capacity for self-government can be realized depends on the character and quality of education. It seems to me an astonishing distortion of priorities that the American people and their government gladly spend billions of dollars for space exploration while denying desperately needed funds to their public schools. The demonstrated superiority of democracy over dictatorship derives precisely from its refusal to let ruling elites make the basic moral decisions and value judgments of society.

The core of classical democratic thought is the concept of free individuality as the ultimate moral value of human society. Stripped of its excessive optimism about human nature, the core of classical liberalism remains valid and intact. The philosopher and the psychoanalyst agree that * * * man's basic aspiration is for fulfillment as a free individual. * * *

As Americans with our deeply rooted and fundamentally healthy distrust of government power, we might reexamine certain long held convictions. * * * A political leader is chosen because of his supposed qualifications for his job. If he is qualified, he should be allowed to carry it out according to his own best judgment. If his judgment is found defective by his electors, he can and should be removed. His constituents, however, must recognize that he has a duty to his office as well as to them and that their duty is to fill the office, not to run it.

SENATE NEEDS MORE, NOT LESS DEBATE

Mr. PROXMIRE. Mr. President, in this morning's Washington Post, Max Freedman comments on the current discussion in the Senate. He talks about something that I think many of us have overlooked in decrying long speeches in this body. He contends that the Senate needs, not less debate, but more debate. He stresses the fact that he is not talking about reading prepared manuscripts, and refusing to yield but actual discussion and debate of controversial ideas.

Last June at Yale University the President of the United States called for a debate on economic policy. Since then this great body has had very little debate of the big economic questions, although the developments in economic policy have been moving very fast indeed, view points are contradictory, debate and discussion could serve a valuable national purpose.

I ask unanimous consent that the article written by Max Freedman be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNLIMITED DEBATE

(By Max Freedman)

For some days the Senate has been engaged in a desultory symposium on its own rules of debate. At issue are many great public causes, and the leaders on both sides are deeply in earnest. But no one can judge the importance of this controversy by the appearance of the Senate. The debate has drifted into the shoals of lethargy, with tedious arguments being repeated to an empty Chamber. Interest will quicken in the next few days as the final vote approaches but this debate will never belong to the classic memories of parliamentary discussion.

The filibuster has often been the weapon of Northern liberals. It may be so again. But we merely trifle with reality if we deny that the filibuster has become the cherished weapon in the Southern armory especially when civil rights are on the agenda. Without passing any judgment on the merits of the current disputes, it is important to understand why the Southern Senators cling to the right of extended debate with such stubborn tenacity. Their public reasons may be persuasive but their unavowed convictions are still more significant.

By the steady march of events, and inresponse to no theory of government, Congress has become the last citadel of Southern power in national affairs. Since the civil war Southern leaders have frequently found the path to the White House closed to them. Today the South can hardly be expected to regard the Supreme Court as the guardian of its traditions. By necessity the South has come to look upon its strength in Congress, expressed in control of committees and skill in debate, as its ultimate resource against measures which it opposes.

This helps to explain some of the differences, for example, between Senator RUSSELL of Georgia, and Senator DOUGLAS, of Illinois. They certainly cannot agree on what should be a fair limit on debate. But the source of their disagreement comes from their failure to agree on the purposes which should be served by that debate.

Those who support Senator DOUGLAS complain that a determined minority can abuse the antiquated rules of debate to block a decision by the majority after ample opportunity has been given to every group to state its case effectively. The supporters of Senator RUSSELL argue that any change in the rule which would make it easier to break a filibuster would in effect mean that the majority could use its power to coerce the minority in a manner repugnant to the whole tradition of American government. The Senate is listening to this debate not with its ears but with its prejudices. Most Senators knew how they would vote before the first speaker took the floor.

The Senate should know that its worst problem arises not from unlimited debate but from its failure, all too often, to debate at all. It is a standing perplexity to friends

of the Senate to find these men, masters of repartee, the prisoners of a manuscript whose clouded prose takes refuge in a calculated obscurity. How long is it since the Senate last had a true debate? Perhaps not since the controversy over the resolution on Quemoy and Matsu. No one who heard that debate can easily forget the way the sentiment of the Senate changed as various speakers, using few notes, drove home their case. The closing speech by Senator George, then chairman of the Foreigh Relations Committee, was a masterpiece of terse advocacy that altered the opinions of many Members.

Incidentally, that debate made nonsense of the familiar complaint the Senators must give reporters advance copies of their speeches or else the papers will never notice what they say. That is a grotesque and undeserved criticism of the press gallery. There will never be a shortage of reporters when a real debate is taking place. Why should they waste their time listening to a mechanical repetition of stale arguments written out in advance of the debate? Instead of praising itself as the world's greatest deliberative body, the Senate might usefully spend more time remembering that it once was also the home of genuine debate and trying to recover that lost art.

SENATE PROCEDURE

Mr. MANSFIELD. Mr. President, debate on the pending motion began on January 15, 13 days ago. Since that time, a number of Senators have delivered well-prepared speeches on the necessity of maintaining extended debate in the Senate, and there have been some speeches on the other side. In keeping with those positions, neither side has shown an inclination to vote on the question at an early date—although what is before the Senate is only the preliminary question of deciding whether or not to take up the Anderson resolution amending the rules. The country may be under the impression that we are debating a change in our cloture rule, whereas we are merely trying to decide whether we will debate a change in our cloture rule. I recognize that there are mysteries of Senate procedure that may not be readily apparent to those outside this Chamber.

I said last year, Mr. President, that experience had convinced me that the Senate could make progress, and satisfy its legislative responsibilities, only by accommodation between its Members. There is no peculiar power lodged in any single Member, least of all the majority and minority leaders, to compel the Senate to act; all Members must be willing to permit it to act. There are, perhaps, certain actions which may hasten the day when issues are resolved, but ultimately it is comity, and not compulsion or drastic alternatives, that brings a decisive vote. My hope is that this spirit of comity will prevail, in the best interests of the Senate and the country.

For we have work to do. A significant number of new Senators have just taken their seats in this body. They are as yet without committee assignments. Their constituents have sent them here to be legislators, to participate in committee deliberations, to vote on questions of public policy in committee and on the Senate floor. I for one want them to have that opportunity at the earliest possible moment. But until the rules question is decided, the substantive business of the Senate cannot occupy our full attention.

In order to assist the Senate in reaching an early decision on the rules matter, I serve notice that vacancies on the Democratic policy and steering committees will not be filled, nor assignments to the standing committees made, until we have resolved the rules controversy. Further, I shall object to any committees meeting during sessions of the Senate, because it seems to me quite unfair to transact business, whether legislative or executive, in committees to which no new Member has been assigned.

Let us get on with this rules matter, Mr. President. Let it be debated fully, and with the serious attention it deserves. But let it not delay ad infinitum the passage of substantive legislation by the Senate.

Mr. KEATING. Mr. President, I rise to applaud the distinguished majority leader for the action which he has stated he will take in order to bring to a head the debate on the motion to take up for consideration the subject we have been discussing.

Under paragraph 2 of rule XX of the Standing Rules of the Senate, it is provided:

> The Presiding Officer may submit any question of order for the decision of the Senate.

The distinguished Vice President has stated that it would be his intention to submit to the Senate any point of order which raised a constitutional question.

In an effort to try to clarify this matter, do I understand it to be the view of the Chair that the procedures with regard to debate on a point of order submitted to the Senate for decision under rule XX are the same as with regard to debate on appeals to the Senate under rule XX?

The VICE PRESIDENT. The Parliamentarian informs the Chair that when a matter is submitted to the Senate for its decision, it becomes debatable, unless, of course, the rules provide to the contrary, as in the case when a motion to adjourn is submitted to the Senate, or as in the case when a motion to table is submitted.

However, when the rules are silent on closing off debate, any decision submitted to the Senate would be debatable.

Mr. KEATING. My point was whether the rules for debate under such submission would be the same as the rules for debate on an appeal from the decision of the Chair?

The VICE PRESIDENT. Any matter submitted to the Senate for decision would be debatable in the absence of contrary rules.

Mr. KEATING. Would be debatable?

The VICE PRESIDENT. Yes.

Mr. KEATING. Do I understand correctly that the rules governing such debate would be the same as on an appeal?

The VICE PRESIDENT. The Chair has not explored all the rules governing appeals. The Chair does not have complete information before him. There is no point at issue that is involved with reference to any appeal at this moment, and therefore the Chair is not prepared to say whether the situations are identical and exactly in point.

Mr. KEATING. I am conscious of the fact that the Chair is reluctant to make anything which might be called an advisory ruling. I believe it would be helpful to have the guidance of the Chair, but the Chair can decline to rule, if he sees fit.

If during the debate on a point of order which had been submitted to the Senate for decision under rule XX it appeared to the Chair that dilatory tactics were being employed to prevent the Senate from reaching a decision, is it the opinion of the Chair that he would have the power to rescind the submission of the question to the Senate and to render a decision himself on that point?

The VICE PRESIDENT. The Chair will pass upon that question under whatever circumstances appear to make it necessary for him to make his statement to the Senate at the appropriate time.

Mr. ANDERSON. Mr. President, I did not hear the Chair's statement.

The VICE PRESIDENT. The Chair stated that if such a situation developed, the Chair would make his statement to the Senate at the appropriate time.

Mr. CLARK subsequently said: Mr. President, since the morning hour is about to be closed, and neither the majority leader nor the majority whip, who are leaders in the effort to change the rules, is in the Chamber, I should like to take exception to one statement made by the able majority leader in the course of his otherwise, as it seemed to me, very sound statement a few minutes ago.

He said—I think I quote him correctly—that both sides have shown no inclination to bring the matter to a vote. I am confident that this is not the case. Senators who are supporting the Anderson motion have stated, time after time, on the floor of the Senate, their willingness to vote. We are willing to vote now. We shall be willing to vote tomorrow or at any other time the matter can be brought to a head. I think the RECORD should be corrected in that regard.

Mr. LAUSCHE. Mr. President, in yesterday's Sunday Star there appears the weekly article written by our Chaplain, Dr. Frederick Brown Harris, "Spires of the Spirit." Yesterday's article is entitled "The Ukraine and You." I ask unanimous consent to have the article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPIRES OF THE SPIRIT—THE UKRAINE AND YOU

(By Dr. Frederick Brown Harris, Chaplain of the U.S. Senate)

The independence of the Ukraine, now a non-Russian captive nation, was proclaimed on January 22, 1918. On the 45th anniversary of that light which failed until truth crushed to earth shall rise again, the cause of that dauntless people, yearning to breathe free, was lifted up to the God of justice in the prayer, offered by a representative of the Ukrainian Church, which opened the U.S. Senate. To the petitions there offered for fetters to be broken there echoed the fervent "amen" of over 2 million Americans of Ukrainian ancestry.

To a recently held congress of these fine citizens of this free land came felicitations from 33 State Governors, 40 U.S. Senators, and 140 Members of the House. where a vital bill for a permanent Captive Nations Committee is now pending. In this convention the voice of the Governor of New York was also heard as he cried out, "We protest with you against the Soviet persecution of millions for their Jewish faith. We deplore the Red oppression of the Ukrainian Catholic and Ukrainian Orthodox Churches. This convention is a sobering reminder to all the world that the cold war at many times and places is not cold at all—it cost the lives of men like Lev Rebet and Stepan Bandera, two Soviet murdered Ukrainian underground leaders." To this council there was added a ringing salute from President Kennedy, declaring that the just aspirations and rights of all people to choose their own rulers "is and will remain a basic goal of U.S. world policy."

Now what is the truth regarding the Ukraine—a territory a little larger than Texas? This fair land, with its face always toward the West, richly endowed with natural resources, with a favorable climate conducive to the raising of various crops, has long been called the granary of Europe. It is now the breadbasket and the sugar bowl of the U.S.S.R. But the salient historic fact is that the Ukrainian people are not Russian and their country has never belonged to Russia except by physical force. A thousand years ago their culture and commerce were at high levels but always these fiercely independent-minded people had to fight predatory neighbors. In 1709 Czar Peter I, by his military might, annexed the Ukraine as a conquered province. The long years that followed are valiant with the struggle to gain freedom. When at long last the 1917 Bolshevik Revolution pulverized the sovereignty of the Czar, a new day of glorious emancipation seemed to gild the long darkened sky. In the ancient city of Kiev, as bells of freedom rang out, the Independent National Republic was proclaimed.

But, that proved to be but a fleeting dream. The rapacious arms of Soviet aggression, using their familiar upside-down jargon, called the Kremlin manipulated regime they imposed the Ukraine Soviet Socialist Republic. It was the anniversary of the Ukrainian vow to be free which was observed in the Senate of the United States. The two score years plus five which have passed since that January 22d are written in crimson letters of heartless cruelty. The blood of a martyred host cries from the ravaged ground. It is a record of imposed famine, genocide, deportation, torture, and liquidation. In spite of these fiery trials the population of the Ukraine is presently over 40 million.

Religious leaders have suffered persecution matching that of the early church. Thousands of Christian churches and chapels have been desecrated Over 200 literary Ukrainian men and women have paid with their lives because they scorned to dip their pen in the venom of the Communist line.

To this day a saintly archbishop, Metropolitan Slipy, languishes in barren, cold Siberian dungeons sentenced to degrading servitude. He has spent 17 of his 71 years in that blasphemous captivity because he has refused to bow the knee to a pagan Baal in the image of a subservient church hierarchy in his homeland.

The voice of a Ukrainian poet of a hundred years ago, who died during Lincoln's first year in the White House, yet speaketh. His name, Taras Shevchenko. His message is about to be amplified to all Americans, as well as loyal Ukrainians, and we might add, to the Russians too. To honor him the American Congress has authorized the erection of a statue which will be a perpetual prayer in stone. That sculptured form is now being fashioned and will be erected near the Capitol in Washington. Listen to the prophetic song of Shevchenko ringing clear across a hundred years:

"It makes a great difference to me
That evil folk and wicked men
Attack our Ukraine once so free
And rob and plunder it at will.
That makes a great difference to me."

In 1963 that is still the sad story of the Ukraine—and, it makes a great difference to this sweet land of liberty.

In the pathos of Shevchenko's lines is mirrored the plight of all the other captive nations, including Latvia, Lithuania, Hungary, Romania, and now Cuba, and all the rest, held in the grip of Soviet colonialism. That makes a difference, a great difference, to the United States of America.

There is a silence that is not golden but craven concerning captive nations. In a world that cannot permanently remain half slave and half free, calloused indifference as the policy of any so-called democracy not only dooms the captives now in foreign fetters but also passes the sentence of ultimate death upon its own freedom. Yes, it makes a great difference to you and the Ukraine—and to the whole world of tomorrow.

Mr. LAUSCHE. The article accurately depicts the character of the Ukrainian people. It devotes its attention to the attainment of independence by the Ukrainians at the end of World War I. They held independence for several years and then were taken over by Communist Russia. There are 40 million Ukrainians; they are distinct from the Russian people. Their thoughts have always been turned to the West. They have been predominantly separated from the East. Anyone who reads Ukrainian poetry or literature soon discovers that the yearnings of these people have always been for a free and sovereign and independent Ukrainia. However, it has not been their lot to enjoy that position among the nations of the world.

While they have been dominated by the imperialist Communists, they have suffered martyrdom, "russification," and the destruction of their poets and literary men. The course of Communist Russia has been one of genocide, perpetrated upon this noble and heroic people.

When we speak of imperialism in the world, the action of one nation in exploiting the people of another and drinking of their blood and their nourishment, we have no more vivid example in all the world than what Communist Russia is perpetrating on the Ukrainians today.

The Ukraine is the breadbasket of central Europe. Ukrainian products of the farm are sustaining the Communists in their efforts to subdue the world.

I commend our Chaplain, Dr. Frederick Brown Harris, for his excellent article on Ukraine, and I recommend, at least to Ohioans, that they read it, to gain a true perspective of a noble and heroic people.

About a year ago Congress authorized the construction of a monument in honor of the revered poet of the Ukrainians, Shevchenko. Dr. Harris quotes a few lines written by this poet, as follows:

It makes a great difference to me
That evil folk and wicked men
Attack our Ukraine once so free
And rob and plunder it at will.
That makes a great difference to me.

It makes a great difference to an American today to see any people robbed and plundered by a mighty force such as communism. All I can say is that the sins of the Communists, as practiced upon subjugated people are crying for vengeance. They will have atonement. They will have retribution. The wicked, tyrannical Communists will pay the price in a measure far greater than they understand.

Mr. SCOTT. Mr. President, I commend the distinguished senior Senator from Ohio for his remarks with regard to the Ukrainian independence anniversary. It is an independence which was very short lived. I also commend him for what he has said about the great Ukrainian poet Shevchenko, for whom some recognition, although perhaps inadequate, is being accorded in the form of a permanent memorial in the District of Columbia.

I was greatly pleased that the distinguished Senator from Ohio referred to and inserted in the RECORD the article written by our Chaplain, Dr. Frederick Brown Harris, on this subject. I suggest that it be read, and I am sure it will be received with interest by all those who believe in the aspirations and the urge toward freedom of the captive peoples of the world. We should never forget that there are millions of persons living in captivity under the Soviet hegemony. We should not, with them, ever give up hope of ultimate liberation.

FAILURE OF SENATE BELLS TO RING

Mr. COTTON. Mr. President, I hesitate to inject a mere matter of housekeeping into this serious discussion, but attendance on the business of the Senate and attendance when a live quorum is called has always meant much to the senior Senator from New Hampshire, and he has always tried to be present and has rarely failed to be present at such time.

I have complained to the proper authority, but I suppose the only way to get protection is to place this statement in the RECORD.

We are living in a wonderful mechanical and scientific age. I understand that beautiful stars are to be installed in our offices, stars which will light up to let us know what is taking place in the Senate. But in the meantime, the bells are not sounding in some of the offices, and unfortunately mine is one of those offices. Once last week I failed to respond to a live quorum call and today I had a narrow escape. I did not even know that the Sergeant at Arms was rounding up Senators for attendance, because I was working in my office. One has to continue his work throughout these annual and semiannual feasting times, when the King of France marches 10,000 men up the hill and then marches them down again. We must perform our ordinary duties. Nevertheless, some of us feel that we want to respond when the rules require us to do so.

I sincerely hope that if the policy of demanding live quorums continues—I have not yet ascertained why they are necessary, but that is certainly within the

province of Senators who demand them—I think the least that might be done is to make certain that Senators have a reasonable opportunity to know that quorums are being called. If the new and improved bell system will not do it, I hope the majority and minority staff members will see to it that Senators are notified by telephone, so that we may have an opportunity to let our constituents know that we are present and are endeavoring to attend to our public duties.

PUBLIC HOUSING EXPENDITURES

Mr. ROBERTSON. Mr. President, last week the Richmond Times Dispatch in a lead editorial criticized the demand for $5 billion for public housing. We all know that not long ago the President decreed the desegregation of all public housing units. I felt at the time that the figure mentioned in the editorial was lower than the actual facts would show it to be; I, therefore, obtained a report on the commitments of the Federal Government for spending on public housing.

The amount actually spent by the United States to date for rental housing is $1,047,294,982. We are obligated to spend in the future on units now in operation $4,486,950,424.

We have obligated the sum of $1,840,273,336 to be spent on units on which commitments have been made to January 28, 1963, but which would not be constructed or completed by this date.

The total amount expected to be appropriated by the United States on completed units and for commitments to January 28, 1963, is $6,327,223,760.

CITRUS FREEZE ILLUSTRATES IMPORTANCE OF FARM PROGRAMS

Mr. YARBOROUGH. Mr. President, an article printed in the Arkansas Gazette and reprinted in the Tulia, Tex., Herald on Thursday, January 17, 1963, points up the plight of the American farmer and the weather hazards he must face in producing our food. In this case, the Florida orange crop is subject.

The same story could be applied to most of the other farm commodities in all farm States at one time or another.

The article correctly points out that regardless of how cheap the price of any commodity goes, only so much of it can and will be consumed. It further points out that the farm programs have made it possible to carry reserve food supplies in storage for insurance for the consumer, on both price and supply.

The Government farm programs, though far from perfect, have served and continue to serve the best interests of the farmers and the consumers of this country. These farm programs are not anticonsumer; they protect the consumer.

This article, illustrating what has happened to the prices to farmers and to consumers with respect to the Florida orange crop; the effect of the carryover on the Government program; and how beneficial such programs have been to farmers, as well as to consumers, is most illuminating.

Mr. President, I ask unanimous consent that the article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISTORY OF AGRICULTURE DEMONSTRATES NECESSITY FOR GOVERNMENT ASSISTANCE

The Florida freeze that shriveled half the State's orange crop demonstrated all over again that a reduction in volume of a given commodity can—under certain supply demand situations—increase the gross value and create a net return where the owners were in line to absorb a major loss.

The Florida orange situation reads like an Arkansas broiler report. Before the freeze hit, the State had about 42 million trees, one-third more than 5 years ago. This year the harvest was expected to reach 120 million boxes. To make matters worse, the huge volume would have to be dumped on top of the remains of the 1961–62 crop of 113 million boxes. In the previous 9 years no crop had exceeded 95 million boxes.

In the last 10 years, the demand for oranges—and particularly for frozen orange juice—climbed sharply but the growers demonstrated that they could increase their production even faster. The frozen juice concentrate was the end product of an extensive research project that helped expand the demand for oranges by spreading the season throughout the year. Like similar developments in other fields, it opened new markets but it provided only a partial solution to the marketing problem. Growers still were able to harvest more fruit than the consumers would buy, and surpluses were being accumulated.

The inventory of frozen orange juice at the beginning of the harvest season was estimated at 43 million gallons, which was more than twice the volume on hand a year earlier.

Under these conditions, the juice processors could not be expected to bid vigorously for a crop of 120 million boxes. After all, they are in business for profit and they didn't really need too many oranges. Consequently, the bid price for the fruit in this section of the market was 75 cents a box and some processors were offering only 50 cents.

Then the freeze came.

Processors immediately marked up the price of their frozen juice from $1.25 to $2 a dozen cans (6 ounces). Many processors have tagged on another 30 cents to the price, but the first increase added about $44 million to the value of the warehouse stocks.

A similar development hit the fruit market. The bid price for oranges jumped from 75 cents to $3 as buyers scrambled for the short supplies.

The economic significance is clear.

With a crop of 120 million boxes in prospect, the growers could expect a gross return of $110 million, since the oranges sold for the fresh-fruit market brought slightly more than those that went into the processing plants. With at least half the crop destroyed, the remainder is worth $150 million, despite the fact that the inventory of 43 million gallons of frozen juice helps hold down prices.

Some idea of just how important the carryover is in determining prices can be found in comparisons with a recent crop when supply and demand were in relatively favorable balance. The 1960–61 crop of about 87 million boxes sold for about $250 million but prices were not as high as they will be before the current crop is harvested. If the reserves of frozen juice had not been on hand, the orange price this year would have zoomed to unreasonable levels.

The orange story, with variations, has happened in most commodity groups.

When the peach crop is adequate, but not excessive, Arkansas' orchardists sell their fruit at prices that give them a profit but when conditions are more favorable and production increases a few percentage points the market collapses.

Even cotton, which is not perishable, is subject to the same law. Before the introduction of production controls and price supports, a small crop would command a favorable price but when the harvest exceeded demand and normal carryover even by a small margin the market sagged so low that even the best growers suffered severe losses.

Since the capacity of American agriculture is well above the potential demand (Florida probably could produce 200 million boxes of oranges if the growers were convinced the market would absorb this volume), there is a constant need for restraint in most commodity groups.

This statement should not be interpreted as an argument in favor of deliberate shortages. If the citrus industry had not held a large reserve of frozen orange juice, the 60 million boxes of fruit that will be harvested in Florida this year would have been priced so high that a family in the low income group could not have touched the fruit. Ideally, the volume of a given commodity should be at a level that will maintain a market that is fair to both the grower and the consumer.

The history of agriculture has demonstrated that.

Justification for this assistance cannot be based on the interest or welfare of the individual farmer, since the Government must concern itself with the whole economy. Its programs must be designed to create and maintain an atmosphere that is as favorable as possible for all groups. The farm programs of the Government cannot be designed simply to protect agriculture; in a larger sense, they must bring benefits to the entire economy.

The United States has demonstrated repeatedly that its economy could not remain strong when agriculture was in trouble, and the farmer has led most of the parades into recessions and depressions.

The Florida orange story also demonstrated one other important fact. Extremely low prices, within themselves, do not open unlimited markets.

One theory currently popular in the United States is that reducing price automatically would increase volume to a point that would absorb unlimited supplies. The processors of orange juice knew this was not true. Their price for the frozen concentrate was low at $1.25 but simple business intelligence dictated that they could not hope to sell unlimited quantities simply by reducing the tags. They maintained a margin between the actual cost—of cheap fruit and processing—and the price at which they were willing to sell. They offered less for the oranges—as low as 50 cents a box—but they were not so unrealistic as to sell their juice at 50 cents a pack.

At this unreasonably low level, consumption of orange juice would have climbed rapidly for a time but the processors would have been plunged into bankruptcy and the whole economy would have suffered.

Despite the fact that everyone understands this phase of the situation, some still argue that the free market and low prices should be applied to the farmer. They should understand that the result, in both cases, would be the same and the entire economy would suffer.

VISIT TO HAWAII BY SENATOR HRUSKA—ADDRESS BY SENATOR FONG TO HAWAII EMPLOYERS COUNCIL

Mr. HRUSKA. Mr. President, recently it was my good fortune to visit the State

of Hawaii. It was my first visit, but if I have any choice, it shall not be my only one, by any means.

I have already submitted to the chairman of our Senate Appropriations Committee a detailed and extended report on the chief objective of my trip there, dealing principally with public works projects, but also with other facets of activities with which the committee is especially concerned.

In these remarks, however, I should like to comment briefly upon the 50th State and one of its most popular and outstanding personalities.

The natural setting of Hawaii, its beauties and uniqueness are all subjects of wonder and of continuing fascination. They play a large part in the constantly increasing tourist parade, and the ever-increasing number of folks who come for a visit, but stay to live. It is a State of great growth and bright potential. It has many economic advantages and natural resources.

But perhaps the most shining and precious jewels of all are its people. They are so genuinely sincere and friendly. They are blessed with a good leadership, a sense of responsibility and of loyalty. Though they get things done, they seem to still have time to live graciously, to sing, to think of their neighbors and of their community. It has been written that "a nation is its people." If our individual States are governed by the same observation, then Hawaii is indeed a mighty, a loyal, and a most promising star in the Republic's flag.

Mr. President, it does not take a long stay in the 50th State to learn that among its many respected and outstanding leaders there stands in high and firm position the name of HIRAM FONG whom the citizens selected to serve as their senior U.S. Senator. This was very apparent wherever in that large State we traveled. People everywhere showed they liked him and respected him.

This is not to be wondered at—in fact, it is a consequence which comes naturally—when one considers his career as a lawyer—Harvard College of Law, no less—businessman, soldier, civic leader, and public official. This native son has long been recognized by his State as a responsible, competent, and reliable thinker and man of action.

Folks out there recall his 14 years in the Legislature in the Territory of Hawaii, 6 of them as its speaker; his election to three Republican National Conventions as delegate; his election as a member and his service as vice president of the territorial constitutional convention; and many other important assignments which gravitate to one who has demonstrated his sound action and independent judgment as he discharges the important responsibilities thrust upon him.

That he is a diligent student can be attested by any of our colleagues who have worked with him either here in the Senate Chamber or in committee. The Senator from Nebraska has done both and would like to say that in the Committee on the Judiciary where we both serve, the senior Senator from Hawaii pulls more than his share of the load. His counsel is increasingly sought there on those topics which he has made the subject of his careful scrutiny.

Hence, it is easy for me to have observed and understood the attentive ear which Senator FONG commanded in his home city of Honolulu during my stay there, on the occasion when he addressed the Hawaii Employers Council.

Mr. President, it was an inspiring and heartening address on the bright outlook for the American economy on the mainland and in Hawaii both in the immediate future and the coming decades.

It is a forecast simultaneously optimistic yet realistic. It is a forecast of special significance coming from a successful businessman trained in analyzing the economic picture.

On the basis of his studies, Senator FONG contends America faces a future that "is greater and more exciting than anything we have ever known."

He points out that:

Progress today is being recorded not with a special "P" but with all capital letters. Opportunities for business abound. Indeed opportunities are virtually unlimited for those who are ready when opportunity knocks, for those who are shrewd and visionary, for those who are confident and unafraid. As a nation and as a state, we have come so much further than most of us in our fondest fancy would have dreamed possible 30 or 20 or even 10 years ago that we need not fear for the future.

For, Senator FONG concludes:

Fundamentally in America our economy is sound. Our economic system is valid, the best man has yet devised. None other has produced so much for so many and distributed it so well. All this, and freedom, too.

Mr. President, so that others may read and be encouraged by this most commendable contribution to our economic perspective, I ask unanimous consent that the entire text of his fine address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BRIGHT OUTLOOK FOR U.S. ECONOMY

(Address by U.S. Senator HIRAM L. FONG, Republican, of Hawaii, before Hawaii Employers Council, Royal Hawaiian Hotel, Honolulu, Hawaii, December 7, 1962)

Mr. Chairman, distinguished guests, members of the Hawaii Employers Council, ladies and gentlemen, as I reflected on what I might appropriately say to so distinguished a group of Hawaii's leaders as the Hawaii Employers Council, the words of an old, endearing melody began to run through my mind. Slowly its familiar verse probed into the depths of memory, sentimentally, nostalgically, hauntingly:

"How dear to my heart are the scenes of my childhood,
When fond recollections present them to view.
The orchard, the meadow, the deep-tangled wildwood,
And every loved spot my infancy knew.

"The wide-spreading pond and the mill that stood by it,
The bridge and the rock where the cataract fell,
The cot of my father and the dairyhouse nigh it,
And even the rude oaken bucket that stood by the well.

"The old oaken bucket,
The iron-bound bucket,
The moss-covered bucket,
That hung in the well."

And then the years rolled back, and image tumbled upon image, evoked from the rich treasure trove of childhood's memory.

Suddenly I was in the Kapalama area, in the vicinity just west of Auld Lane, and I saw once more the sugarcane growing on both sides of King Street.

Then it was harvest time and I was by the railroad tracks in Kalihi with my playmates, patiently awaiting the railroad cars from which we would pull a few stalks of partially burned sugarcane for chewing.

And because memories like dreams are abstract and timeless, and one can stand back and look upon them analytically and from the present, I found myself overwhelmed with the impact of what had occurred over these years in this place among these people of our land. What faith, what vision, what courage, what bold risks we had taken. For that barren plain on Leeward Oahu, with its lantana shrubs and algarroba trees, had been transformed so serenely into flowing green, irrigated fields of tasseled sugarcane, symbolizing work for 13,500 of our people and a gross income of $150 million each year for Hawaii.

Jim Dole flashed to mind: his dream, his early beginnings, his tireless toil, and the good fruit of his labors—23,000 workers and numerous stockholders reaping an annual golden harvest of $125 million in pineapple.

With the magic moods of memory, the scene changed abruptly. Now I was riding a Honolulu Rapid Transit streetcar through the picturesque duckponds of Waikiki—and now I was rattling along in a model T Ford on Kapiolani Boulevard, built over coral-filled lands to connect downtown Honolulu with Waikiki

I remember well the "For Sale" signs that dotted property on both sides of the street—and I wince with the memory—for land was being sold for 30 cents a square foot. Some of my contemporaries were blessed with vision or with luck—they bought the land. Others sat back and wryly repeated those words which I suspect were first spoken when mankind began and will be heard as long as man is around: "Why, son, I remember when I could have bought that property for half that price."

Now I was watching a pink structure begin to take shape near the ocean, a landmark that was to become known to people all over the world. It was Matson's Royal Hawaiian Hotel, getting ready to vie for the growing tourist trade with its sister hotel, the Moana, and the Seaside Cottages owned by my late friend Attorney Anthony Seto.

Now it is a time when land prices are skyrocketing along the business area of Kalakaua Avenue and many are fuming and fussing at the outrageous rise in the cost of land and vowing to wait for Waikiki property prices to depress. For after all, for what had sold for 15 cents a square foot just a few years before, speculators were now asking and getting a fantastic 35 cents a square foot.

Later, when a young man name Jerry Zucker paid $65,000 for the old Niumalu Hotel, many people commented, "That sure was a handsome price to pay for a rundown cottage hotel."

A few years later, that same property was sold to Industrialist Henry Kaiser for a reported $565,000—giving the seller a neat half-million-dollar profit. Honolulu was aghast. A crazy deal, some said. What could Kaiser do with a group of termite-ridden cottages, they asked. But Mr. Kaiser had a glimpse of tomorrow and where the cottage shambles stood, he saw a great cluster of modern hotel buildings housing a portion of the 300,000 visitors who this year will have spent about 135 million in Hawaii.

And the latest link in this particular chain of progress and growth in Hawaii took place when Mr. Kaiser sold the property to the Hilton Hotels. Newspapers reported that the price was $26½ million, of which $5 million was profit.

I suspect that a curious silence overcomes many of us when we find ourselves tempted to say, "Son, I could have bought that same land for 35 cents a square foot." For I suspect that our children and grandchildren would have a quick rejoinder to that.

It has been said that all things are in a state of "becoming." Nothing is static. Life itself is movement and change—as within the microscopic core of the atom, molecules whirl and change with incredible speed in miniature solar systems.

Yes, how dear to all our hearts are the scenes of our childhood. But the world demands that we move on—change grow. Memories are to be enshrined in the heart, to be taken out at times and remembered and relived. But the stuff of life is fiery steel to be forged, shaped, created, in ever-new forms—a journey whose destination is never reached; a challenge so ceaseless that the moment we achieve one goal, another looms before us.

So it is in Hawaii. Hawaii of today is not the nostalgic Hawaii of yesteryear. And Hawaii of tomorrow will be more vastly different than anything we can now envision.

Where sugarcane stood in Kapalama there are now great structures: industrial, business, residential. On Kapiolani Boulevard the 30-cent-a-square-foot land now costs $20 a square foot, and Kalakaua Avenue beach front property commands $75 a square foot.

These are the dramatic and outward signs of change. They are merely symptomatic of a great movement forward and upward that has been and is taking place in our island land. And if we sometimes mourn the passing of the 30-cent land, the open sweep of country, and all the things that were dear to our childhood, let us realistically remember that if that land still cost 30 cents, if those open sweeps of land remained, if nothing had changed since our childhood, then it would indeed be a static Hawaii.

What has taken place here is a reflection of what is happening all over America, greater in some places and lesser in others, but all part of a great regeneration of the skill, imagination, and toil that built our Nation. What happens in the mainland United States will not be much different from what will happen here, for, as a sovereign State in the sisterhood of States, we are an integral part of the fabric of America: economically, culturally, physically. Together, I am certain that we face a future that is greater and more exciting than anything we have ever known. Let us remember the past with kindness; let us live in the present with courage; and let us look to the future with eagerness.

To predict the economic future of America is a hazardous occupation, but look ahead we must to the best of our ability so as to chart our Nation's course and our business future. As I appraise our Nation's economic outlook, short-range as well as long-range, I am strongly optimistic.

We all know the present-day American economy is not a hothouse plant existing in some sheltered sanctuary insulated against the ravages of natural forces or against the ferocious competition from other economies seeking their place in the sun or against the violence of political, military, and social revolutions exploding around the globe.

Our American economy exists in an ever more interdependent and shrinking world and it is against this total environment that we must assess where we are today and where we are going tomorrow.

The first and foremost global fact of life we must face is the continuing prospect of war and the threat of war persisting into the 21st century. Like molten lava bubbling under the earth's crust, conflict between nations and races simmers invisibly, boils to the surface, and every now and then erupts with volcanic fury into riots, border incidents, revolutions, and wars.

Exactly 21 years ago today, December 7, 1941, America itself was plunged into a terrible war with the infamous sneak attack on Pearl Harbor. We paid a heavy price for our lack of vigilance and unpreparedness. Within the past few months we came perilously close to another sneak attack, this time from Cuba just 90 miles off our Florida coast.

Hard on the heels of this episode came another telling reminder that military weakness and unpreparedness invite attack: the invasion of India by Red China, a sorry incident which proved once again that a peaceful posture is no shield against invasion. A nation must have the arms and the armament and the trained troops to deter would-be conquerors. And India must once and for all shed the delusion of a nonexistent neutrality in this time of Armageddon.

To forestall nuclear war, America must maintain strong nuclear deterrent forces. To cope with the more likely conventional wars, America must have diversified air, ground, and sea forces well equipped and in a high state of readiness. For, even today, though we are not officially at war, American fighting men and equipment are committed and serving in farflung areas of the globe, and the casualty lists record the toll in human sacrifices in this struggle against the common enemy.

So it is clear, that for decades, America faces continued immense outlays for our national defense, probably requiring even more money, even more manpower, even more materiel than the staggering commitments of today. Certainly there is nothing foreseeable to indicate any significant cutback in defense. Disarmament talks will drone on but get nowhere.

In the Asian theater, Red China's attacks on India and Communist attacks on South Vietnam underscore the imperative need for mighty U.S. forces in that area. Hawaii is destined to continue its keystone role as America's Pacific defense outpost and the hub of our military organization in this strategic area. I do not foresee any sharp cutback in defense spending in Hawaii in the coming 3 to 5 years.

With defense spending of $50 billion and up and with Federal civilian programs on an upward curve, too, Federal budgets will soon reach alltime record peaks for peace or war. The national debt will break all records, as will the interest on the national debt and the legal ceiling on that debt. In the years to come, Federal budget deficits will be the rule rather than the exception. Latest official predictions of a $7.8 billion deficit by next June 30 could be greatly exceeded if defense spending jumps without cuts elsewhere in the budget, if income taxes were reduced, or if there is a recession which would mean less Government revenue.

State and local government spending is likewise expected to climb ever upward, offering little hope for reductions in State and local taxes. As a Nation, we work nearly 3½ months each year just to support our Federal, State, and local governments, giving up a total of $134 billion in taxes. Such is the tax burden today, that there is general agreement that high taxes are impeding America's needed economic growth.

The 7-percent tax credit on business investments enacted by Congress this year and the new depreciation schedule for business looking toward modernization of business equipment and machinery, increased efficiency, expanding production, and more jobs, will be of some help to improve the economy. But, it is doubtful that this will be sufficient to bring the economic growth expected.

Some economists already forecast a downturn or recession in early 1963, but recent encouraging developments give new hope. Employment is remaining fairly stable, at around 68 million. Personal incomes were high in October, running $22 billion ahead of that month in the previous year. Both individuals and business are highly liquid, with personal cash savings impressive, and with cash for business readily at hand. Steel which has been depressed since April, is picking up strength, the astounding automobile sales sparking the improvement.

Construction continues at a high level. Housing starts on farm and nonfarm dwellings are running ahead of last year. It is too early to tell whether the President's Executive order on housing discrimination will cause homebuilding to fall off. Consumer purchases of durable goods are strong and rising and may lead to further investment in those basic fields. Recordbreaking Christmas retail sales are predicted. The corporate profit-margin squeeze shows signs of easing ever so slightly. Spending for new plant and equipment is estimated to reach a yearly rate of $38 billion this quarter, about $3 billion higher than the rate in the first quarter of 1962.

But all is not on the plus side. Total output of goods and services in the third quarter was at an annual rate of $555.3 billion, up only $3.3 billion from the second quarter which had shown a $7 billion rise over the first quarter. Unemployment rose to a seasonally adjusted rate of 5.8 percent in November and it has averaged 5.59 percent for the first 11 months of this year. Consumer prices rose to alltime highs this year. U.S. exports fell in the third quarter from the alltime peak reached in the second quarter, and the deficit in U.S. balance of international payments rose by $2 billion in the third quarter.

Nevertheless, while the immediate outlook is mixed, I am encouraged by the overall prognosis. No sharp change in either direction appears likely, and by the end of 1963 we may see a small advance. There is growing pressure for a $10 billion individual and corporate income tax cut to give the economy a real shot in the arm.

But in view of the massive Federal budget deficits ahead, rising defense and space spending, and the Nation's fiscal dilemma, it is by no means certain that Congress will enact tax reductions next year. So far the chairman of the House and Senate tax-writing committees have been cool to tax cuts without corresponding or concurrent Federal spending reductions, something that just does not appear to be in the offing.

Simple prudence cautions us as individuals and businessmen not to count on anticipated or proposed tax chickens until they are hatched.

With this general sketch of America's economy as a whole in the near future, what about Hawaii?

Barring unforeseen complications, it looks as if Hawaii will do better than the mainland.

Both Dr. Thomas Hitch and Dr. James Shoemaker contend our economic growth will exceed the national average in the next few years.

I agree with our local economists and businessmen that Hawaii's prospects are bright, though not so spectacular as the 1955–61 boom in the islands. I am confident Hawaii will meet its rendezvous with destiny to become the economic, cultural, social, and intellectual as well as the physical center of the Pacific. We will continue as the regional headquarters for all U.S. activity in the Pacific, and we have a fine opportunity to become a transshipping center for much of the Pacific Ocean shipping.

I was greatly intrigued with an article by the editor of the Honolulu Advertiser on November 1, which pointed out: "The development of new relationships with foreign

areas throughout the Pacific is initiating a new era in the development of the islands. This will bring fundamental changes to Hawaii's economy. The countries that border the Pacific are now entering a period of dynamic growth."

The article continued: "Hawaii, as the only central Pacific economy, can benefit from this in terms of:

"1. An increase in trade;

"2. As a meeting place for Pacific area business, professional, and technical groups;

"3. As a center for technical and other contractual services;

"4. In the field of finance and investment;

"5. As a center for technical training; and

"6. As a central Pacific port (including a rising volume of business in the servicing of ships and planes)."

These are some of the special factors favoring Hawaii's outlook. They come on top of such good prospects as a stable sugar and pineapple industry, greater diversification of agricultural exports, high level construction activity, increasing tourism, expanding education, growing manufacturing, and better-than-average population growth to produce the work force we will need.

Long-range prospects both for the mainland and for Hawaii seem to be very favorable, indeed exciting. We are in the vanguard of fantastic scientific and technological advances whose total impact no one can fully predict. From sails to steamboats, from oxcarts to motor vehicles, embraced thousands of years. In the first six decades of this century, changes have been greater than in all the preceding years of mankind's history. The automobile not only gave us mobility, but is largely responsible for development of alloy steels, new fuels, synthetic rubber, and quick drying finishes. The air age produced great supplies of aluminum, the basis for building lightweight structure, not only for airplanes but also for trains, buses, ships, and buildings.

The nuclear age has brought applications of isotopes in medicine and in the inspection of materials. Remote manipulators of equipment and sealed pumps for hazardous liquids and gases are outgrowths of atomic developments. The space age, young as it is, has already given us high temperature ceramics, data-handling computers, communications, and weather satellites.

Though we cannot conceive of all the miracles to come, we know that scientific and technological advances will be a key factor in our Nation's economic development. I believe we can look to a national policy which will continue and accelerate scientific and technological efforts on all fronts. The quickening industrial revolution will have a decided impact on our economic environment in 1970, 1975, and 1980, though the particulars are not known to us now.

In looking to the America of that time period, however, we do have some statistical projections which are startling and provocative economic indicators. By 1970, we will be a Nation of 214 million people with a labor force of about 85.7 million. These millions of workers, men and women, will be earning more and buying more. More people will require the building of millions more dwellings, thousands of miles of roads, many bridges, dams, flood control and irrigation projects.

We will need some 77,000 more doctors, 34,000 more dentists, and a third of a million more nurses than we have today.

To educate 15 million more children, we will need 600,000 new schoolrooms in public schools alone and 500,000 additional teachers. We will have to triple the capacity of our present colleges and universities.

We will need greater output of foodstuffs and consumer goods, nearly three times our present production of electric power, and double the supply of our fresh water.

The trend toward a shorter workweek and more leisure time indicates greater emphasis on recreation and sports in the decades ahead.

Future America will be increasingly a country of metropolitan areas. Today three out of four persons live in a metropolitan area. By 1980, it is estimated the figure will be 9 out of 10.

We will become more and more a society of knowledge workers rather than manual workers. Right now the teachers, accountants, engineers, scientists, doctors, investment managers, and other technical, professional, clerical, and managerial workers outnumber industrial workers. In 20 years, this knowledge group will constitute half the total work force, it is estimated. Education of the young and of adults may consequently become an outstanding growth industry in America.

Automation in manufacturing industries will increase and technology will bring swift changes. New industries will be born. Atomic power will come into wider use.

In the 1970's, nuclear power will be competitive throughout most of the country and by the turn of the century nuclear power will be producing about half of all the electricity in the United States. Atomic power could play an important part in the seventies or eighties here in Hawaii where we are deficient in cheap, natural fuel.

Government officials said last week Americans will be touring space in atomic powered vehicles by the 1970's and eventually we will put nuclear power stations on other planets.

Transportation improvements will bring the continents even closer. The British and French are jointly working on a supersonic commercial aircraft in the 1,450-miles-per-hour class to be ready by 1970. A 2,000-mile-per hour U.S. plane is also anticipated by 1970.

Satellites during this same time span will provide faster, more dependable means of global communication.

As far as Hawaii is concerned, transportation and communication progress over the next 5 to 10 years will go far to offset the disadvantages of our mid-Pacific island geography. We will be able to reach the new and expanding marketplaces of the world more easily. Our businessmen will become more cosmopolitan, as much at home in the Tokyo and Hong Kong markets as in the Chicago market.

As a nation, America has had such vast consumer markets within our borders that we have only begun to tap the markets of the world, especially in emerging Africa, in industrializing Asia, in awakening Latin America. Other nations like West Germany, Japan, Britain, and the Common Market are cultivating these markets, too, and we can expect stiff competition. The European Common Market already is a formidable competitor and America will have to find new ways to meet this challenge.

The trade law enacted by Congress this year gives the administration power to cope with the Common Market, but, make no mistake, there will be some American businesses hurt in the process. Peril point features, enacted years ago to protect domestic industries against unfair foreign competition were eliminated. Tariff cuts of as much as 50 percent, and in some cases to zero, authorized in the new law, could spell the ruination of some American businesses. For such contingency, assistance to business and workers is provided. Only time will tell whether these remedies are adequate.

Viewing the Common Market another way, it will strengthen the West European industrial complex. This means stronger allies for the United States against the Communist bloc. It also portends significant improvement in the standard of living of millions of people living in Western Europe. This in turn means bigger markets for consumer goods. If American businessmen are on top of the situation, they should share in this growing market.

In the Pacific trade basin, I think American businessmen can look to closer ties with the free nations of Asia and the Pacific and perhaps eventually to a kind of Pacific Common Market to serve the people of this area, more than half the world's population. To be realistic, however, we must concede that Communist warfare against the free people of Asia is a decided obstacle to higher standards of living for them. Defense for survival is draining off far too much of their meager substance, and even the large-scale assistance of the United States falls short of the economic need. Peace in Asia is an indispensable ingredient of economic progress and a better life for millions of people now in want and poverty. Elsewhere in the Pacific the standard of living is rising and it is our fervent hope that this favorable trend will continue.

The trend to rising incomes and a higher standard of living at home and in many places abroad will certainly bring substantial new markets and tantalizing opportunities, including a few headaches for American business and Government. But whatever problems may arise, I am confident they are not insurmountable. A people that has energetically triumphed over the problems of hunger and want, that plagued mankind for centuries, can successfully meet the problems of a changing era of plenty. A people that unlocked the secret of the atom and who are now exploring the vast reaches of space, can lick the problems of automation, unemployment, changing markets, and competition.

The substantial growth potential of the U.S. economy as a whole and the bright prospects for Hawaii over the next few decades are cause for plenty of hope and optimism. Undoubtedly there will be the inevitable downs as well as ups, but when all is said and done, the economy of our Nation and of our State will grow and expand to improve the lot of our people and also, we hope, to enable us to improve that of our fellow man as well.

Inscribed on the National Archives Building in Washington, D.C., are these words: "What is past is prologue." Local wits say this means "You ain't seen nothing yet." As I view America's truly astounding progress in the last two decades and Hawaii's progress in the past few years and as I look at the future, I am persuaded we just "ain't seen nothing yet."

Progress today is being recorded not just with a capital "P" but with all capital letters. Opportunities for business abound. Indeed opportunities are virtually unlimited for those who are ready when opportunity knocks, for those who are shrewd and visionary, for those who are confident and unafraid.

As a nation and as a State we have come so much farther than most of us in our fondest fancy would have dreamed possible 30 or 20 or even 10 years ago that we need not fear for the future.

Fundamentally in America, and in Hawaii as well, our economy is sound. Our economic system is valid, the best man has yet devised. None other has produced so much for so many and distributed it so well. All this, and freedom, too.

That is why I say I am truly convinced that with enlightened government, with enlightened labor, and with enlightened management such as that symbolized by the Hawaii Employers Council, all working and cooperating to build for the common good, America's bright economic future is assured.

DANGER IN RESTRICTION OF OIL IMPORTS

Mrs. SMITH. Mr. President, on January 22, 1963, I made a statement in the

Senate with respect to the action of the President restricting oil imports—and the possible, if not probable, damage of this action to the people of Maine.

Typical of the response in Maine to my Senate statement is a letter dated January 23, 1963 from a housewife in Tenants Harbor, Maine. That letter stated:

> We like the way you look out for the interests of us ordinary folks back home in Maine—whether because of letters like this or because of extraordinary awareness of the great difference between the seemingly privileged (?) life of the average Congressman with his martinis and jowls and the average State-of-Mainer trying to figure how to pay both the dentist and the oil dealer and still have something left over for rolled oats and a bag of flour.
>
> Especially do we like your speaking out about the oil tariff and how it effects our fuel bill in Maine, with colder weather and more resultant furnace roaring than most of the Nation. Comes a spell of below zeroness and zip, up goes the cents per gallon another 0.5 of a penny. With so many wage earners handicapped by the season (my mate is a lobster fisherman) it really hurts * * * maybe the administration can see its way clear to accommodate some of us nonmillionaires.
>
> As we see it, we have two choices: to switch back to the old wood-burning furnace or to write to our MARGARET CHASE and hope.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII—CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Mexico [Mr. ANDERSON] that the Senate proceed to the consideration of Senate Resolution 9 to amend the cloture rule of the Senate.

Mr. ROBERTSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield briefly to me?

Mr. ROBERTSON. Yes, if I may do so without losing the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I wish to state—reenforcing what I said earlier today—that I shall object to having any committees meet today.

Mr. ROBERTSON. Mr. President, the distinguished Senator from Pennsylvania [Mr. CLARK] said he wishes to keep the record straight; he states that his side—which denies the fact that the Senate is a continuing body—is ready to vote at any time. But to vote on what? To keep the record straight, it is to vote to deny the clear meaning of the Constitution, and to repeal the continuous record of the Senate since 1789, which confirms that the Senate is a continuing body.

Mr. ANDERSON. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Yes; I will first make the observation, however, that last Saturday the distinguished Senator from New Mexico recognized by implication that the Senate is a continuing body. He called a meeting of a committee of the Senate. Of course, if the Senate were not a continuing body, the distinguished Senator would not have done that; he would not have violated the rules. I yield to him with pleasure.

Mr. ANDERSON. Mr. President, I only say to the Senator from Virginia that he would be highly informed if he asked the Presiding Officer what the pending question is.

The pending question is not in any way predicated on the theory that the Senate is a continuing body. The pending question is on agreeing to my motion to have the Senate consider Senate Resolution 9.

If the Senator from Virginia wishes to do so, he should look at the RECORD of 4 years ago. I shall be happy to read it to him, because it is always instructive to refer to such things. So I refer to the CONGRESSIONAL RECORD, volume 105, part 1, page 103. On that occasion, the Vice President was referring to the Senator from Texas and to something the Senator from Texas said. I read now from the first column on page 103:

> Mr. JOHNSON of Texas. Then, Mr. President, I move that the Senate proceed to the consideration of Senate Resolution No. 5.

That is all he said then. I shall be happy to have the Senator from Virginia examine it.

The Senator from Texas said:

> Then, Mr. President, I move that the Senate proceed to the consideration of Senate Resolution No. 5.

And the Vice President said:

> The question is on agreeing to the motion of the Senator from Texas. [Putting the question.]
>
> The motion was agreed to.

Not one Senator rose on the floor of the Senate to state that that was tearing down the Constitution or was denying the rights of all Senators. All agreed to it; it was adopted without a dissenting vote. If the Senator from Virginia was then on the floor, he could then have said about the motion of the Senator from Texas the things he says now about my motion.

Mr. ROBERTSON. I was on the floor, participating in that important business. I have been serving in Congress for 30 years and, in all that time, I have not missed 1 day per year except for illness.

Mr. ANDERSON. I have complimented the Senator from Virginia on it many times.

But when that motion was made, no Senator said that would tear the Senate to bits.

However, at this session, Senators have spoken for 2 weeks after I made my motion.

Mr. ROBERTSON. The two situations are not at all analogous.

Mr. ANDERSON. Why not?

Mr. ROBERTSON. Because the Senator from New Mexico has put us on notice that he is going to raise the constitutional issue that this debate can be closed, under the Constitution. And to do that, the Senator from New Mexico must deny that the Senate is a continuing body. So the motion to have the Senate take up his resolution is nothing more than what a French writer called poudre dans les yeux; that is, "throwing dust in your eyes."

Mr. ANDERSON. If the Senator from Virginia has dust in his eyes, that is not my fault.

Mr. ROBERTSON. But the Senator from New Mexico is trying to get the Senate to go on record as agreeing that the Senate is not a continuing body.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I yield for a question.

Mr. ERVIN. I suggest that the Senator from Virginia propound an interrogatory to the able and distinguished Senator from New Mexico, in order to ask him whether the resolution mentioned by the then Senator from Texas, to which the Senator from New Mexico has now referred, was the resolution which in effect declared that the Senate is a continuing body and that the rules of the Senate continue from one session to another unless they are changed as provided by the rules.

Mr. ROBERTSON. Yes, I propound that interrogatory; and if the Senator from New Mexico does not answer it correctly, I shall yield again to the Senator from North Carolina, so that he may have the opportunity to correct him.

Mr. ANDERSON. I shall have to be careful to take care of myself.

My point is that the resolution of the Senator from Texas was to amend subsection 2 of rule XXII; and my motion is that the Senate proceed to consider Senate Resolution 9, which deals with subsection 2 of rule XXII. So the two situations are practically identical. There is one difference: The Senator from Texas wanted to have the rule changed from two-thirds of the duly elected Senators to two-thirds of the Senators present and voting. My resolution simply seeks to change the two-thirds to three-fifths. But the two resolutions deal with exactly the same section, and they are in almost the same words.

When the Senator from Texas made his motion that the Senate proceed to consider that resolution, there was no objection to having the Senate consider it. Many Senators did not want to have it brought up and adopted; but they recognized the right to bring it up, and recognized that the able majority leader was well within his rights, and was fair at all times about it. No Senator tried to take advantage of him. Senators could have debated that motion for 3 solid weeks, but no Senator did so.

Mr. ROBERTSON. Mr. President, this happened 4 years ago, and I do not remember every detail of the resolution. I am sure, however, that the Senator from Georgia [Mr. RUSSELL], does. Therefore, I yield to him for a question, if I may do so without losing the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. RUSSELL. Mr. President, I think there is a very material difference between the situation this year and the

situation in 1959, when Senate Resolution 5 was offered.

As has been stated by the Senator from North Carolina, Senate Resolution 5 contained, as a material part of it, the second section, which reads as follows:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Mr. President, I should like to point out that that resolution was adopted by a vote of 72 to 22. Yet we now find honorable Senators who are saying that the resolution was unconstitutional and is not binding on the Senate.

Mr. President, I do not undertake to prescribe any code of ethics for any Senator other than myself. I am not critical of the position which any Senator takes at any time. But under my code of ethics, I cannot regard my vote, under my oath of office to uphold and defend the Constitution, as consistent with voting for a proposition which I know to be unconstitutional. Yet a number of Senators, who supported that rule, and voted for it now take the position that it is unconstitutional and is not binding on the Senate.

I refer to the vote which was had then: Among those who voted for that resolution, on January 12, 1959, I find the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], and the Senator from New Mexico [Mr. ANDERSON], who already has served notice that he will submit a proposed rule which is entirely in conflict with that position—some new rule that is not known to the present rules of the Senate.

Mr. ANDERSON. Mr. President, will the Senator from Georgia assist me by pointing out the place in the RECORD at which I made that announcement?

Mr. RUSSELL. I may have misunderstood the Senator, but I believe he said last week that he intended to make a motion today to bring the question to a vote.

Mr. ANDERSON. That is correct. I hope to do so strictly under the provisions of the Constitution. Does the Senator object to that?

Mr. RUSSELL. The rules of the Senate were adopted under the Constitution. In 1959 the Senator from New Mexico voted that the rules of the Senate shall continue from one Congress to the next Congress until they are changed as provided in the rules.

Mr. ANDERSON. Certainly. We tried hard to establish a precedent that, on the opening day of the Congress, the Senate could adopt any rules it wished to adopt.

Mr. RUSSELL. The Senator from New Mexico tried so hard, when he had an opportunity to vote, that he voted against changing the rules.

Mr. ANDERSON. We tried to make a change.

Mr. RUSSELL. When the Senator voted for the resolution, he voted against the philosophy which he now propounds.

Mr. ANDERSON. We did. The able Senator from New Jersey [Mr. CASE] tried to strike a section out, and I voted with him. Another Senator—I believe the Senator from New York [Mr. JAVITS]—made a motion to strike out some more of the rule. We tried to have it stricken out. We did not get enough votes on the rollcall. I know how I voted. I believe I know how the Senator from Georgia voted.

Mr. RUSSELL. I voted entirely different from the way in which the Senator from New Mexico voted.

Mr. ANDERSON. The Senator is correct. Having done the best we could, we accepted the situation as it was then, because the rules were improved somewhat. If we had not taken that action, the Senator from Georgia and others would not have been able to get cloture on the communications satellite bill.

Mr. RUSSELL. I voted against cloture on the communications satellite bill.

Mr. ANDERSON. I am quite sure the Senator did. I have been trying to check the votes about which the Senator from Florida [Mr. HOLLAND] spoke. He said that we never would have obtained cloture except for the votes of southern Senators. I do not believe that the yea-and-nay vote on the communications satellite bill would demonstrate that.

At the time of which the Senator has spoken, at least we made a little headway. But we did not change the constitutional question, because two Vice Presidents in succession have held that the Senate has the right to adopt rules. It is a constitutional function, and some Senators think it would be a good idea to try to follow the Constitution.

Mr. RUSSELL. No Senator has said, to my knowledge, that we are not trying to follow the Constitution. I have never heard such a charge. The rule was adopted after Vice President Nixon handed down his advisory opinion. He made it clear in his advisory opinion that if the Senate accepted the proposal, it would waive any constitutional right it had. In 1959 it was waived. Of course, the Senator from New Jersey [Mr. CASE] moved to strike that part from the rules. He lost the attempt. If it was unconstitutional, he proceeded to vote for an unconstitutional measure because he voted for adoption of the resolution on the rule. The Senator from New Mexico did the same thing.

Mr. ANDERSON. We could not obtain a division of the question. We had to vote in the manner in which we did in order to improve the rule a little. When the question arose, if we had voted to change the rule in the way in which the Senator from Georgia wished to change it, the Senate could have been tied up in an even longer filibuster. We were perfectly willing to bring the measure to a vote. That is not the situation now. The Senator does not wish to vote for a while. We are ready to vote today—this afternoon, tonight—or tomorrow. We are ready to vote whenever the Senator wishes. But, no. No Senator can vote because there might be some change made because of a certain thing being constitutional or unconstitutional. I say only that we do not propose rules to try to strike the Senate down but to improve its conduct.

Mr. RUSSELL. I shall answer to my own conscience. Every Senator who is alive and still has feeling can answer to his own conscience.

Speaking for myself, if I had taken the position that one-half of the rule was unconstitutional, and I had made a fight on the floor of the Senate to strike it out and had lost that fight, I could not have voted for the rule, because if I did so, I would have been voting for what I considered to be an unconstitutional provision.

For my part—and I speak only for myself—I would not vote for a proposal to be impressed in the rules that I knew to be unconstitutional, and would continue to be unconstitutional.

Mr. ANDERSON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. ANDERSON. Whether that section was in the rule or not, the constitutional bar was in the law all the time. The Vice President at that time gave an advisory opinion that it was improper for one Senator to tie the hands of another Senator. That point was not changed by the provision.

Mr. RUSSELL. I am surprised that the Senator from New Mexico would support an improper proposal that he now contends has the effect of tying the hands of all future Senators. It has always been my contention that section 2 of rule XXXII, asserting that the Senate is a continuing body, is implicit in the constitution and that the statement in the rule is redundant. However, the Senator voted for the statement that the Senate was a continuing body after making an unsuccessful effort to amend the resolution and strike out the provision.

Mr. ANDERSON. After the vote was unsuccessful.

Mr. RUSSELL. Yes. After making an unsuccessful effort to strike what he now calls an unconstitutional provision, the Senator proceeded to vote for it. I am not criticizing the Senator. I am asserting that, under my construction of my responsibilities under my oath of office, I could not vote for a resolution containing a provision that I had challenged on the floor of the Senate as unconstitutional.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. CASE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Virginia.

Mr. ROBERTSON. Does the RECORD show that I voted against the proposal?

Mr. RUSSELL. The RECORD shows that the Senator from Virginia voted against it.

Mr. ROBERTSON. I know I did not vote for it.

Mr. RUSSELL. The Senator is correct.

Mr. President, the RECORD is quite clear. This question was before the Senate in 1959.

The then majority leader—now the distinguished Vice President of the United States—offered Resolution No. 5 under the rules that pertained at that time. There was a long series of advisory opinions, some speeches, and other statements about the rules being unconstitutional in the Senate and the

Senate not being a continuing body. But the Senate settled the question when it voted 72 to 22 that the rules of the Senate carry over from one Congress to another. How a Senator can now declare that the situation is otherwise, I cannot understand.

The Senator from New Mexico has said, "The provision was unconstitutional then, but I voted for it. The vote does not mean anything now, and so I am not going to follow it. I will follow all the other rules of the Senate, but I am not going to follow that one, even though I voted for it only 4 years ago."

That is the position from which our opponents are leading this stampede to gag the Senate.

Senators voting in the affirmative were as follows:

Mr. Aiken, Mr. Allott, Mr. Anderson, Mr. Bartlett, Mr. Beall—he is here, the author of one of the resolutions, Mr. Bennett, Mr. Bible, Mr. Bush, Mr. Butler, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Capehart, Mr. Carlson, Mr. Carroll, Mr. Case of New Jersey, Mr. Case of South Dakota, Mr. Chavez, Mr. Church, Mr. Clark, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dirksen, Mr. Dodd, Mr. Dworshak, Mr. Engle, Mr. Ervin, Mr. Frear, Mr. Goldwater, Mr. Gore, Mr. Green, Mr. Gruening, Mr. Hartke, Mr. Hayden, Mr. Hennings, Mr. Hickenlooper, Mr. Holland, Mr. Hruska, Mr. Humphrey—the distinguished author of one of the proposals and now a strong advocate of the unconstitutionality of a rule for which he voted in 1959—Mr. Jackson, Mr. Johnson, Mr. Jordan, Mr. Keating——

Mr. KEATING. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield, provided I do not lose my right to the floor, and the Senator from Virginia [Mr. ROBERTSON] retains his privilege also.

Mr. ROBERTSON. Mr. President, I yield with the same understanding.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, the distinguished Senator from Georgia will remember that many of us, including the Senator from New Mexico, stated at the time that we considered the second section of the rule completely null and void and of no effect.

Mr. RUSSELL. Yes. I remember that at one time a President of the United States by the name of Franklin D. Roosevelt proposed certain legislation. Its constitutionality was being discussed. President Roosevelt said:

> It is not for you to determine the constitutionality of the measure. That is not your function. Let the Court pass on that question. You vote for it and pass it.

I did not vote for the bill. I never heard such a furor as arose on the other side of the aisle when the suggestion was made that we vote for something that we knew was void and unconstitutional, or even had reason to suspect was null, and void and unconstitutional.

When the other ox is gored it is all right. What is a little matter of the Constitution between friends?

It is said, "The rule was null and void, but I voted for it, though it was unconstitutional. Now I am not bound by it." That is the position that is being taken here now.

We hear proclaimed, "I voted for the rule but I am not bound by it."

If we are talking about anarchy, chaos, or reverting to the law of the jungle, how can we do it more completely than to say, "I voted for a rule, but I am not bound by it"? It is like saying, "I voted for a law, but I am not bound by it." Or like saying, "It is a law of the State, but I am not bound by it."

That is a process of reasoning which the Senator from Georgia simply cannot understand, or follow.

Mr. KEATING. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I am glad to yield to the Senator from New York.

Mr. KEATING. The junior Senator from New York appreciates, as I am sure all of us do, the reluctance of the distinguished Senator from Georgia to attack the motives of any Senators who voted as they did.

Mr. RUSSELL. I stated at the outset that I could not understand the process of reasoning; that I was not undertaking to prescribe a code of ethics for any other Senator.

Mr. KEATING. I think many might feel that those who voted in that way were not seeking to establish a law of of the jungle in this body.

Mr. RUSSELL. I did not say they would do that when they voted for that. I said they make the argument, "I voted for it, but I disregard it. I am not bound by it." That is the law of the jungle.

Mr. KEATING. Mr. President, I call attention to the fact that the distinguished Senator from Georgia is now seeking to rely upon a vote on a rule which he voted against. In other words, the Senator now says that this rule is desirable and a great thing, but I call the attention of the Senate to the fact that he voted against this provision for continuing the rules from one session to another.

Mr. RUSSELL. I certainly did.

Mr. KEATING. So there might be as much inconsistency in the one position as there is in the other, although I would share the view of the distinguished Senator from Georgia that none of us should attack the motives of any other Senator.

Mr. RUSSELL. I thank the Senator for that.

I may say, Mr. President, I have voted against a number of laws which have passed, and I voted against them in good faith. After the majority voted for and passed the laws, I did not rush out on the street to violate them. I did not say, "I am not bound by this law because I voted against it."

I do not think such conduct is consistent with my ideas of the proper ethics of Senators under their oaths of office. I do not think Senators should say, "I voted against it, but the majority carried it; and I am not bound by it." I still say that is the law of the jungle.

Mr. CASE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from New Jersey.

The VICE PRESIDENT. Is there objection to the Senator from Virginia yielding to the Senator from New Jersey with the understanding that he will not lose his right to the floor? The Chair hears none.

Mr. CASE. The Senator mentioned my name earlier.

The Senator quite properly raised the question of the effect of the vote in 1959. As the Senator from New Mexico pointed out, of course, a number of us at that time made the point that the portion of the amended rule on which the Senator now relies was unconstitutional, and that its inclusion was a nullity. We did our best to improve the rule by what was largely a matter of including in a larger whole this provision, which we contended—not only contend now but also urged then—was null and void. We still so contend.

Our position then was and now is, that that portion of the rule, being unconstitutional, could have no binding effect. I think that this is very clear.

A number of us who voted to strike the provision—as I did upon my motion, and upon another motion having the same purpose made by the Senator from New York—but unfortunately failing in that, we did vote for the final whole; not for this as a separate matter but for the final whole in which this inartistically was included, but as a nullity, because it could be nothing else under the Constitution.

There is no analogy, it seems to the Senator from New Jersey, between voting for a law which is unconstitutional, which would purport to bind people who perhaps could not test the constitutional position, to which the Senator really referred before, and voting for something as a part of something in terms of it being unenforceable, which a Senator sought to strike out but could not. It seems to me there is no possible analogy. I am sure a man of the fine sensitivity and sharp intellect of the Senator is quite aware that the argument that he is attempting to make by analogy really has no bearing at this time.

If we had attempted to lull the Senate to sleep by voting for something which was included as a part only of the larger whole at that time, perhaps there would be some justification for claiming our position to be inconsistent, for claiming that we had taken unfair advantage, but we did not. We made our position clear then and again repeat the same position.

I thank the Senator for yielding.

Mr. RUSSELL. Mr. President, I appreciate the kind remarks the Senator has made about me. I am very grateful for them.

I still cannot agree with the Senator's position. It all boils down to the fact that if a Senator opposed the rule and then voted for it, he is not bound by it. That is simply not in my concept of the rules. I think that these rules—every one of them—are binding on every Member of this Senate, whether he voted for them or not.

This is a strange position. There might be four parts of a bill. A Senator might offer an amendment to strike one

part of the bill. The Senator would say, "I do not believe this section is constitutional." The Senate might vote down the amendment, and the bill be placed before the Senate for passage, and the bill be passed. Then could a Member of the Senate, merely because he said it was unconstitutional, violate that law with impunity?

I must say again I cannot understand the process of reasoning of those who say they voted for this proposition, even if they did so after they were defeated in an effort to strike it out, and that they are not bound by it because they offered an amendment to strike it out.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I will yield to the Senator with the same understanding.

The VICE PRESIDENT. Is there objection to the Senator from Virginia yielding to the Senator from Massachusetts with the understanding that he will not lose his right to the floor? The Chair hears none.

Mr. SALTONSTALL. Mr. President, the Senator from Georgia has stated unequivocally what he believes is unconstitutional. My question of the Senator is: What does the Senator consider to be constitutional? It is my understanding that it is his position that the rules of the Senate continue, as the Senate is a continuing body.

Mr. RUSSELL. That is correct.

Mr. SALTONSTALL. And that under the rules there is a proper method for amending the rules, which was adopted in 1959.

The Senator has emphasized what he believes is unconstitutional. To make it clear in this brief discussion, what is constitutional, in the Senator's opinion?

Mr. RUSSELL. Mr. President, I have contended that part 2 of rule XXXII is entirely consonant with the Constitution. Setting forth in the rules that all of the rules carry over from one Congress to the other is an assertion of an obvious constitutional fact, which has been recognized in the Senate of the United States from 1789 to this good hour.

But some Senators did not agree that the Senate was a continuing body and we had considerable discussion on the floor and some advisory opinions from a former Vice President that the Senate was not a continuing body. I have not contended that any proceeding on the resolution to date was unconstitutional.

Mr. SALTONSTALL. I did not mean that.

Mr. RUSSELL. I consider as unconstitutional any effort to bring in what amounts to a new rule and a new procedure that is inconsistent with the established rules of the Senate and which are in the very teeth of this provision for which 72 Senators voted in 1959.

I have said that the proceedings on the original resolution, up to now, were irregular and inconsistent with ordinary procedure, but I have not contended that it was unconstitutional.

Mr. SALTONSTALL. I did not mean that. What I was trying to point out was that the Senator has said what he believes to be unconstitutional. To clarify the argument, the Senator has not said what he believes to be constitutional. I tried to say what I believed the Senator believes is constitutional—which is to follow that provision in the rule, because the rules continue, as the Senate continues as a body.

Mr. RUSSELL. Undoubtedly, until the rule is changed in the method prescribed in the rule, that is true.

Mr. SALTONSTALL. And that is the Senator's position.

Mr. RUSSELL. That is my position. I thank the Senator for clarifying it.

Mr. SCOTT. Mr. President, will the Senator from Virginia permit the Senator from Georgia to answer a question?

Mr. ROBERTSON. Mr. President, I am willing to yield with the same understanding.

The VICE PRESIDENT. Without objection, the Senator from Virginia yields to the Senator from Pennsylvania with the understanding that the Senator from Virginia will not lose his right to the floor.

Mr. SCOTT. I address the question to the Senator from Georgia.

What is so difficult for me to understand is neither the constitutional question involved nor the motives of any Senator, which I think ought not be subject to any question. I agree with the distinguished Senator from Georgia when he states that.

What I think is here involved and what the country wants to know is: If the Senator from Georgia is so certain of his views and so positive that the views he holds are those which any right-minded Senator should be expected to hold, and if he is cognizant of his obligations under the Constitution, why, then, does not the Senator from Georgia wish to permit the Senate to vote upon this question?

Mr. RUSSELL. Mr. President, the Senate will vote on the question in due season.

I say to the distinguished Senator from Pennsylvania that there are other Senators who, I am sure, are almost as patriotic as he is.

Mr. SCOTT. It is not a question of being patriotic.

Mr. RUSSELL. I do not think they are as patriotic as he is, but they are almost as patriotic as he thinks he is. There are other Senators who think they have rights on this floor under the rules and who think they know something about—almost as much about—their rights as Senators as does the Senator from Pennsylvania, as a Member of this body.

There are some of us here who think we are almost as independent in our approach to this question and as unaffected by pressure groups in this country as is the Senator from Pennsylvania. We have some rights under the rules. We think we have some rights, having been sworn as Senators of the United States. For my part I intend to assert those rights whether it pleases the Senator from Pennsylvania or not.

Mr. SCOTT. Will the Senator yield further, since the Senator has launched into some mild indications that what I said had anything to do with the patriotism of anybody? I assume we are all equally concerned about what is right and what is wrong; but I will from time to time rise and raise the same question: Why is it that the Senate, of which we are all so proud, is unable to proceed to the conduct of the public's business because Senators who have undoubtedly every right to be heard and to discuss this matter are, it seems to some of us, so reluctant to face the possible decision of a majority of the Senate? I say this without attempting to be in any degree more right or more patriotic or more concerned than the Senator from Georgia, who ignores, I am sure, the pressure groups from his State, who, I am sure, knows the opinion of his State, and who, I am sure, is bound by his own views, as he is, quite properly, entitled to be so bound.

Mr. RUSSELL. The Senator has asked when we will vote. We will vote when we have made a record in this case that we think justifies the importance of the issue before the people, before the Senate, and before the country. We are just now moving into the second phase of the question, which has to do with the second part of rule XXXII.

I believe I had gotten to the Senator from Tennessee [Mr. KEFAUVER].

The list continues, beginning with Mr. Kennedy.

I notice that the present President of the United States voted in 1959 for the proposition that the rules should continue and that the Senate was a continuing body—

I continue reading the list: Kerr, Magnuson, Mansfield, Martin, McCarthy, McGee, Monroney, Morton, Moss, Murray, Muskie, O'Mahoney, Pastore, Prouty, Proxmire, Randolph, Saltonstall, Schoeppel, Scott, Smathers, Smith, Symington, Wiley, Williams of New Jersey, Williams of Delaware, Yarborough, and Young of Ohio.

Four years ago 72 Senators voted that the Senate rules should be carried over from one session to the next until they were changed as prescribed therein.

The Senator from Virginia asked me to please answer that question. I have done it. I refer any person who may be interested to the CONGRESSIONAL RECORD of January 12, 1959.

Mr. MCNAMARA subsequently said: Mr. President, earlier today the distinguished Senator from Georgia placed in the RECORD the yea-and-nay votes of Senators who voted in favor of a change in the rules in 1959. I ask unanimous consent that the names of the 22 Senators who voted against the change of the rules at that time be printed immediately after the first publication.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Florida will state it.

Mr. HOLLAND. Did not the unanimous consent request cover the publication of the votes of both for and against? That was my understanding.

The VICE PRESIDENT. The Parliamentarian advises the Chair that that is his understanding.

Mr. MCNAMARA. If that was the request, it was not made clear to me, one

way or the other. If such a request was not made, I now make the request.

Mr. HOLLAND. Mr. President, if the list of Senators who voted against a change in the rules was not included, I join with the Senator from Michigan in requesting that that list be printed. But I am sure that it was included.

Furthermore, both lists were included in a statement I made on Wednesday of last week on the same subject.

The VICE PRESIDENT. Without objection, the request of the Senator from Michigan and the Senator from Florida is granted. If there would be a duplication, I understand that the Senator from Michigan does not desire the list to be printed again.

Mr. McNAMARA. That is correct, if the list of Senators who voted against the change in the rules was included in the list of Senators who voted for the motion, as requested by the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the request of the Senator from Michigan is agreed to.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Nays, 22: Byrd of Virginia, Douglas, Eastland, Ellender, Fulbright, Hart, Hill, Javits, Johnston of South Carolina, Kuchel, Langer, Lausche, Long, McClellan, McNamara, Morse, Robertson, Russell, Sparkman, Stennis, Talmadge, Thurmond.

Mr. ROBERTSON. The Senator from Georgia is the foremost parliamentarian in this body. He is justly recognized as the leader of the group that wishes to preserve what, on the 100th anniversary of George Washington's Birthday, Daniel Webster described as American constitutional liberty. I underscore and endorse all that the Senator has said about the Senate's being a continuing body. It would be unconstitutional for a simple majority to change the rules of the Senate at the opening of each session when, as we reaffirmed in 1959, the Senate is a continuing body.

We had established this previously in the Reorganization Act of 1946. Before that, opinions of the Supreme Court had stated that the Senate is a continuing body. Never, from the first day of the First Senate in 1789 down to the present time, has the Senate ever voted to destroy the rights of Senators.

I wish more Senators could have heard the Senator from Mississippi [Mr. EASTLAND] last Friday, when he told of how the imperialist Julius Caesar had broken free debate in the Roman Senate, of which he was a member. He held the highest office he could have, that of Roman Consul, but he was not satisfied with that. So he introduced a bill that would take land from some of the landed aristocrats who had voted against Caesar and give it to 20,000 poor citizens. The debate started. It was argued, "We have private ownership in Rome and in the Roman Empire. You cannot pass a law to take land from one man and give it to another."

After the debate had lasted a while and Caesar found the decision was going to be against him, what did the great Caesar do? He gathered a gang of hoodlums, who went on the floor and beat up everybody who was speaking against Caesar's bill. He said:

If there are any more in opposition to the bill, let them rise and they will get the same.

And the bill was passed.

Then Caesar's political enemies, seeing he was getting too much power, had a meeting, and they took in Brutus, telling him that Caesar was undermining the democracy of Rome. So Brutus made the unkindest cut of all—he helped kill Caesar.

What happened? Seven years after the death of Caesar, in the year 44 B.C., the democracy of Rome ended, because the Senate had been destroyed as a deliberative body and had fallen to such a low ebb that the Emperor Caligula, to show his complete contempt for the Roman Senate, named a horse a Roman Consul. Back in 1825, Senator John Randolph of Virginia, who did not like the operations of one of the bureaucrats of his day, said:

His mind is like the Susquehanna Flats, naturally poor, and made less fertile by cultivation. Never has ability so far below mediocrity been so richly rewarded, not since Caligula's horse was named consul.

And why do men stand on the floor of the Senate, the greatest deliberative body in the world, and seek to destroy the real essence of our power, which is the right of free debate?

Mr. ERVIN. Mr. President, will the Senator yield for several questions along the line he is now pointing out?

Mr. ROBERTSON. I yield with the understanding that I do not lose the floor.

Mr. ERVIN. I call the Senator's attention to the CONGRESSIONAL RECORD, volume 105, part 1, page 493, when the then Senator from Texas, the present Vice President of the United States, said, speaking of his resolution:

Finally, the third provision of this resolution would write into the rules a simple statement affirming what seems no longer to be at issue. Namely, that the rules of the Senate shall continue in force, at all times, except as amended by the Senate.

Does not the Senator from Virginia believe that that statement of the then Senator from Texas, who is now the Vice President of the United States, meant that this was to settle forever the question as to whether or not the Senate was a continuing body with rules which continue from one session to the next until the rules are changed as provided in the third part of his resolution?

Mr. ROBERTSON. That is certainly the clear implication. I must say that the distinguished Senator from Texas, now our great Vice President, had never challenged the fundamental fact that the Senate is a continuing body. He never did.

Mr. ERVIN. I should like to read to the Senator a portion of subsection 2 of section 5 of the first article of the Constitution, which states in precise language that the Senate "may determine the rules of its proceedings." Does not the Senator admit that the resolution which the then Senator from Texas, who is now the Vice President of the United States, advocated in 1959 is in complete harmony with that provision of the Constitution?

Mr. ROBERTSON. That and all the other rules are. When the Senate organized back in 1789, it adopted rules. That Senate has never died. We have changed the rules from time to time, and we can change them whenever we please by majority vote, but proposals to change them must, like all resolutions and all bills, go to the appropriate committee, to give witnesses an opportunity to be heard and to give Members of the Senate in the quiet of the committee room an opportunity to discuss what the committee recommendations shall be to the Senate. That is the issue.

However, our friends on the other side of this issue are impatient. They know we are operating under rules. They accept all the rules except which rule? They do not accept rule XXII.

They say that rule does not exist. How inconsistent can anyone be?

Mr. ERVIN. I should like to ask the Senator a question based upon this further statement made by the then Senator from Texas in 1959 in connection with the resolution which he then advocated. He said:

It precludes the involvement of the Senate in the obstruction that would occur—or could occur—if, at the beginning of each Congress, a minority might attempt to force protracted debate on the adoption of each Senate rule individually.

Does not the Senator from Virginia interpret that statement of the then Senator from Texas to be at least the expression of a pious hope that that change in the Senate rule and the recognition of the Senate as a continuing body with continuing rules would put to an end the effort at the beginning of every Congress to alter rule XXII of the Senate?

Mr. ROBERTSON. My distinguished friend from North Carolina is one of the best constitutional lawyers in the Senate, if not the best. He is a former distinguished member of the Supreme Court of his native State. He, of course, knows the meaning of the old common law maxim "res ipsa loquitur: The thing speaks for itself."

Mr. ERVIN. I should like to ask the Senator this question: Although the Senator from Virginia and the Senator from Georgia and other Senators voted against the resolution offered by the then Senator from Texas in 1959, does not the Senator from Virginia concede that that resolution was in full conformity with the constitutional power of the Senate to make its rules, and that it was desirable to the extent that it recognized that the Senate was a continuing body, with continuing rules?

Mr. ROBERTSON. It recognized two things; first, that the Senate was a continuing body, and, second, that under the Constitution it had a right to make its rules.

Mr. ERVIN. Does not the Senator agree with the Senator from North Carolina that the attempted interpretation placed upon the constitutional power of the Senate to determine the rules of its own proceedings, namely,

that the Senate has the constitutional power to do something at the beginning of a session which it does not have at any other time, in an effort, on the part of the persons making that statement, to amend the Constitution?

Mr. ROBERTSON. That would be the effect of it as I have been trying to say. Remove the smokescreen, and what do we find? We are asked to say unconstitutionally that the Senate is not a continuing body.

Mr. ERVIN. Can the Senator from Virginia find in the Constitution of the United States a single sentence or a single syllable which indicates that the constitutional power of the Senate varies from day to day during a session of the Congress?

Mr. ROBERTSON. On the contrary, all who had any part in framing this unique form of Government felt otherwise.

When the Constitutional Convention at Philadelphia was about to be wrecked, Benjamin Franklin urged that the delegates pray for divine guidance in the quest for a system of government which would satisfy both the large and the small States.

He said:

> In this emergency, when we are groping in the dark, as we discover that we are scarce able to perceive a political truth when presented to us, why should we not ask the Father of Light to illuminate our understanding?

Then he mentioned the years of hardship in the Revolutionary War. He told of how Washington had knelt on the snow at Valley Forge and prayed for God's help, and how richly he had been rewarded with ultimate victory at Yorktown. He concluded by saying, "The longer I live, sir, the more convincing proof I see of the fact that God governs in the affairs of men. And if it be true that not a sparrow can fall to the ground without His notice, how can we hope, sir, to see a new empire rise without His aid?"

Then he proposed that each State should have representation in the Senate, and that it be made a continuing body, with only one-third to be elected at one time. The terms of office were staggered with respect to the first membership of the Senate. Clearly, the Senate's existence as a continuing body has a constitutional background.

Mr. ERVIN. I should like to ask the Senator from Virginia if the resolution of our good friend, the able and distinguished Senator from New Mexico, which negates the proposition that all the rules of the Senate continue, and the resolution proposed in 1959 by the then Senator from Texas, who is now Vice President, which recognized that the Senate is a continuing body, and that its rules continue from session to session, are quite different resolutions, and are subject to a wide distinction?

Mr. ROBERTSON. I pointed that out when the Senator from New Mexico asked me the original question. I said it was not an analogous situation at all.

Mr. ERVIN. I ask the Senator if he does not agree with the Senator from North Carolina that the difference and distinction between the two resolutions is as wide as the gulf that yawns between Lazarus in Abraham's bosom and Dives in hell.

Mr. ROBERTSON. The Senator from North Carolina and I, who come from the Bible Belt, have always thought that from hell to heaven is a long, long way. I do not know what the modernists think, or even if they believe there are such things as heaven and hell.

FIFTEENTH ANNIVERSARY OF SMITH-MUNDT ACT

During the delivery of Mr. ROBERTSON's speech:

Mr. ROBERTSON. Mr. President, the distinguished senior Senator from South Dakota wishes to have me yield to enable him to make a statement for the RECORD. With the understanding that I do not lose the floor, I yield to the Senator from South Dakota.

Mr. MUNDT. I thank the Senator from Virginia. I desire to speak for about 15 minutes on an unrelated subject, if I may do so without the Senator from Virginia losing the floor.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair.) Is there objection? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, January 27, yesterday, marked the 15th anniversary of the final approval of legislation enacted by Congress, a law which has contributed much toward gaining friends for our country and creating good will among the citizens of foreign nations. The law is Public Law 402 of the 80th Congress, which was approved on January 27, 1948. It has come to be known generally as the Smith-Mundt Act, in view of the fact that I had the honor to introduce the bill in the House of Representatives, and it was sponsored in the Senate by a great and good Senator from New Jersey of that time, Hon. H. Alexander Smith.

It was only about a year ago that Senator Smith and I were invited to the Princeton University campus to take part in a conference, or a panel discussion, on the relationships of the United States to the other countries of the world, and the techniques and tactics which we might employ to win friends and influence people overseas. Senator Smith made an outstanding contribution to that panel discussion. I rejoice in the fact that he continues his interest in public affairs. He was with us this year to listen to the President's message on the state of the Union. One of the great thrills I have had in Congress has been that of being associated with Senator Smith in the passage of Public Law 402 of the 80th Congress.

The legislation had three basic purposes for establishing new uses for appropriated dollars in bettering international relations, as it was first approved by a subcommittee of the House, which I headed, and finally by both Houses of Congress and the President. Those three purposes were as follows:

First, to provide a general educational and exchange program for persons, knowledge, and skills; second, to provide an oversea information program which is now operating the Voice of America; our oversea libraries; the low-cost book programs; and numerous other information activities under the direction of the U.S. Information Service; third, to provide for rendering technical and other services to friendly nations overseas. Actually, titles III and IV of Public Law 402 of the 80th Congress contained the initial authority and set the pattern for the vastly expanded so-called point IV program later advocated by President Harry Truman.

I am happy to report to the Senate that the exchanges made possible under this act have, during the past 15 years, brought a measure of freedom to a great many foreign nationals who have visited our country, and have provided a large number of Americans with the opportunity to serve as peaceful missionaries for freedom and sustained peace in other lands. The total number of Smith-Mundt grants to Americans under this act since 1948 has reached 21,412. From the standpoint of the reverse action, the total number of Smith-Mundt grants to foreign nationals who have visited this country since 1948, through 1962, is 52,773.

In view of our gratifying experiences with the Smith-Mundt program during the last decade and a half, it is difficult, without reading the debates on this proposal on the House floor, to envision the opposition and the skepticism which questioned the desirability of this program when it was first proposed in 1947 and in 1948. The same 80th Congress which passed the Smith-Mundt Act also enacted the Taft-Hartley labor law. Controversial and significant though it was, the House of Representatives actually spent more time and devoted more pages of heated debate in the passage of the Smith-Mundt Act than it did to its approval of the Taft-Hartley labor law. Happily, the opposition to this program and to similar programs which have since been established has now largely diminished, and the continued efficient and effective utilization of these "tools for peace" will, in my opinion, justify their substantial expansion in the future.

Looking back through the records, I find that our present majority leader, the able Senator from Montana [Mr. MANSFIELD], was a member of the House Committee on Foreign Affairs at the time Public Law 402 of the 80th Congress was enacted. Senator MANSFIELD was also a member of the subcommittee which held the hearings and wrote the final language of the bill. Also, he was a member of the joint House-Senate committee which traveled overseas to gather information concerning the potentialities of the program we were advocating and to develop arguments we could use in convincing the Congress that this legislation should be enacted.

Our committee visited 22 foreign countries and held many conferences overseas. The facts obtained ultimately resulted in our being able to convince our colleagues in the House and Senate of the desirability of the type of legislation encompassed in the bill before the Congress at that time.

I am sure that the Senator from Montana, as does the Senator from South Dakota, looking back over our records of service in Congress, finds few, if any, activities from which we have derived more general satisfaction than our early efforts in connection with the passage of this legislation.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I am happy to yield.

Mr. MANSFIELD. I recall very clearly the genesis of what occurred 15 years ago, when the distinguished senior Senator from South Dakota, who is now holding the floor, and the Senator from Montana, who is now speaking, served together on the House Committee on Foreign Affairs when the Senator from South Dakota [Mr. MUNDT] brought about the inauguration of what has since been known as the Smith-Mundt Act. I recall also that we visited a large number of countries in Europe shortly after the war, under the chairmanship of the distinguished Representative from South Dakota [Mr. MUNDT] and the distinguished former Senator from New Jersey, Mr. Smith. It was a trip which gave us an opportunity to see exactly what the situation was in war-torn Europe. We were provided with an opportunity at firsthand to investigate and determine possibilities for help in the reconstruction and rehabilitation of that war-ravaged continent.

I am happy today to join with the Senator from South Dakota, who did so much to bring this program into operation. I most certainly agree with him that the program, bearing his name and the name of the former Senator from New Jersey, Mr. Smith, has been of inestimable importance and has made a great contribution to better relationships among the countries, and certainly is an enduring monument to the Senator from South Dakota and our former colleague, Senator Smith of New Jersey.

I am proud to pay this tribute to the effectiveness of the Smith-Mundt Act on this anniversary, and I congratulate those who have administered the program with such dispatch, efficiency, understanding, and tolerance down through the years.

Mr. MUNDT. Mr. President, I deeply thank my valued friend and distinguished associate for his words of commendation.

I wish to emphasize his personal, important contributions to the evolvement of that act. I recall the long hours of labor we spent together on the trip overseas with our associates from both the House and the Senate.

Incidentally, Mr. President, yesterday I listened to a television program during which the Senator from Rhode Island [Mr. PELL] was interviewed by Mark Evans, on what I consider to be one of the outstanding television programs available here in the Capital City. The Senator from Rhode Island recounted a trip he made overseas last fall, I believe, with our distinguished majority leader. I listened to his recounting of that trip with full knowledge of the validity of his comment when he said that if that was a junket, certainly they were not limited to an 8-hour day, because under the able leadership and the determined zeal of our distinguished majority leader, they had to pop out of bed at 6 or 7 o'clock in the mornings, and enplane at about 8 o'clock, to fly from community to community, and that they brought back some very wholesome and heartening recommendations for the executive agencies and the Congress.

As one who was privileged on that earlier occasion to travel overseas for 8 weeks with the distinguished majority leader [Mr. MANSFIELD], I know that whenever a Senator has an opportunity at any time to make a trip overseas with the Senator from Montana, such Senator should put aside all other business and should take advantage of that opportunity, because the majority leader has a magnificant background of information on foreign affairs, and he travels overseas with a desire to produce results; and he never fails, because he sets an excellent example, which his colleagues are happy to follow, by looking for the facts, and by getting them, and by bringing them back and making them available where they will do the greatest amount of good.

So I congratulate the Senator from Montana on his recent trip—which I was able to enjoy vicariously with him for a few minutes on yesterday, when the Senator from Rhode Island [Mr. PELL] referred to some of the incidents of the trip.

Mr. President, Members of the House of Representatives, still in service, who served on the House Foreign Affairs Committee at the time when this program was originally approved include Representative Frances Bolton, of Ohio; Representative James G. Fulton, of Pennsylvania; Jacob K. Javits, of New York, now a Member of the Senate; Representative Thomas E. Morgan, of Pennsylvania, now chairman of the House Committee on Foreign Affairs; and Representative William M. Colmer, of Mississippi. Representative Chester E. Merrow, of New Hampshire; Representative Walter H. Judd, of Minnesota; and Representative Robert B. Chiperfield, of Illinois, who retired at the beginning of this Congress, also were members of the House Foreign Affairs Committee at that time, when Representative Charles A. Eaton, of New Jersey, was chairman of the committee. Mr. Boyd Crawford was then, and is now, the clerk of the committee.

Mr. President, I have watched and I have supported these programs over the years, and I have been proud that my name was attached to the legislation which initially made them possible from appropriated funds. Certain persons who have been attached to the program have not always contributed wisely or well to the aims and objectives of the Government, and portions of the program which have been tried have not been highly successful—and, in some instances, have been injurious.

However, I am happy to state that, over the long pull, the broad goals have been kept in mind, and the great numbers of people who have been working in the areas provided through this legislation have been dedicated, imaginative, hard working, and inspired. So, Mr. President, I join the Senator from Montana [Mr. MANSFIELD] in the commendation he expressed a few minutes ago in saluting those in the executive agencies who, working long hours, with imagination, vision, and dedication have contributed so much to implementing this program and to achieving the success it has had during the past 15 years.

As we moved as pioneers into some of the areas of international relations which involve exchanges of scholars, leaders, entertainers, information, books, radio programs, and all the other facets of cultural and informational interchange, we were probably lucky that more errors of a serious nature were not made.

I recall that when we held hearings on this legislation, it was repeated over and over, by one witness after another, that we were "trying to win the hearts and minds" of people abroad. Those were noble objectives then, and they continue to be the basis for our programs in this field today.

I suppose that Senator Smith, of New Jersey, and I—because both of us had been teachers in high schools and colleges—had an inclination to stress particularly the importance of having student exchanges, teacher exchanges, and other exchanges related to the academic area. While these have been important, and continue to make important contributions to the overall program, we have found many other categories on which we can draw for exchange programs which are mutually helpful to the cause of world understanding, peace, and to the general improvement of the internal political and economic welfare of the nations participating in these exchanges of persons.

For one thing, I believe that, with the present changing world situation, we are giving more thought—as we should—to the practical, immediate problems of some newly emerging countries.

It may be worth while for us to think more and more of short-term exchanges of Government officials, local leaders in both agriculture and labor, opinion leaders, leaders in the fields of education and religion, communications experts, and the like. Programs of these types can be made more flexible, allowing us to change emphasis from one area to another in order to meet certain challenges. Even when these short-term exchanges are expanded, it still takes some time to find the right persons who can come to the United States or who are willing to undertake such a trip. The reverse side of the coin—the selection of American nationals to go abroad in an emergency—is also true. So a certain amount of administrative leeway is needed, in order to make our contacts early and to place the appointments where they can be most effective.

H. G. Wells observed, at one time, that "civilization is a race between education and catastrophe." I believe that is the opinion of those who have sought to develop a peaceful and progressive world through the exchange of persons, ideas, and information.

During the past year I have been assisting in one special project in this area; and the experiences which have resulted

have given me an appreciation of many of the problems surrounding the interchange of people and information. South Dakota State College, in Brookings, S. Dak., was host to an international seminar on soil and water conservation. Fifty-two foreign nationals from 26 countries participated in the seminar. To say that it was successful would be an understatement. It was an experiment in bringing together experts in the field who exchanged ideas and information which each could utilize at home in trying to meet the problems of inadequate food production and in handling soil and water problems. That was not merely another meeting where U.S. experts demonstrated our methods, but it was a true seminar in which each contributed what he could and each shared in what he needed.

Out of this experience we have learned some of the greater needs in the exchange-of-persons programs and in the technological information interchange. I introduced a joint resolution in the last Congress, and I am reintroducing it today, in order to have evaluations made on the cultural and information programs and to explore new methods of making cultural and information exchange more profitable to us and to those who participate from foreign countries.

This proposed legislation is not introduced as a means of finding fault, or of criticizing past performance; but it is introduced, mainly, for the purpose of improving, expanding, and making more efficient use of, the authority in the field of person-to-person programs.

Mr. President, it occurred to me that this anniversary occasion was a good day to make plans ahead for improvement and expansion of these programs. I believe we can find ways to make this important program fit modern-day problems more effectively. We can educate; we can avoid catastrophe; and we can win the peace.

But, as I have said, there are some problems. We found, for instance, that in holding international seminars, there is considerable expense to the institution hosting the event. This makes it difficult for the smaller colleges and universities to participate as they should and as they desire to participate in these important international programs. I hope we can find means of utilizing Government funds, through the Agency for International Development, or through some other agency, in such a way as to encourage participation by smaller colleges and universities, such as South Dakota State College and similar institutions, which are of outstanding importance in the interior areas of our country.

I believe this has a salubrious effect. It gives them opportunities to visit communities which are far removed from the seacoast, where foreign nationals otherwise have a tendency to congregate. It gets the foreign nationals into smaller American communities, where they have a better opportunity to see the average American, and where it is possible for them to visit in homes and with individuals. This is highly important; it is, perhaps, the most important part of the exchange-of-persons concept.

We observed that the off-schedule time of the participants, and of the wives who accompanied them, was a little difficult to handle. I commend the faculty—and especially the faculty wives—at South Dakota State College for voluntarily contributing to the planning and work of finding recreation for these visitors, for arranging for visits to homes, for getting them invited to service clubs, and, in general, for seeing to it that no one got lonesome while at State College. We had an able and experienced director and coordinator; but there were many varied problems for him to handle, and I believe he could have used help.

I believe that another innovation might well be to have a State or local director, appointed and paid by the Government, to do the planning for such events, and to act as the counselor to the participants, to serve as the agent to mediate between the foreigner, the U.S. Government, and the host institution. This person could well be a faculty wife or a retired professor who could handle a part-time job of this nature. It seems to me that someone with this official status could help iron out problems, see to it that foreign nationals meet local families, schedule recreation, and keep records and maintain contacts. I hope the Department of State will give some consideration to setting up an arrangement of that type.

It appears to me, also, that another thing we lack in our present arrangement is for a reception center for visitors from other lands. I have spoken before on the Senate floor about the poor quarters in which the Training Division of the Foreign Agriculture Service is housed. I can imagine the thoughts of a visitor whose first meeting in a Government-owned building is in some office such as those in the temporary World War II buildings in which FSA offices were located.

It seems to me that such a center could have many uses. It could make up a special "kit" of information which is given to each visitor. It could provide for uniform orientation. It could register each participant, arrange routing and schedules. It could maintain continuous contacts and make sure that the visiting person attends related functions in the areas where he is traveling. For example, during the seminar in South Dakota, we found that South American agriculture experts were traveling through our State without any knowledge that a seminar on soil and water conservation was going on. I believe more guidance and coordination of the activities of the visitors, plus a central shop to maintain information and records, could assist in dovetailing of activities for a more lasting benefit to all parties concerned at a lesser expenditure of public funds.

Such a center could make long-range plans, coordinate activities of all Government agencies, keep records of who comes to the United States and who goes abroad, maintain friendly contacts with the departed guests, record the achievements and status of such guests when they reach their homelands, and analyze what benefits may have accrued to our Nation as a result of the visit.

These are some of the unmet challenges, but I am confident that the people working on these programs are thinking about them, and I sincerely hope that in this Congress we can conduct studies which will help find the answers.

The entire gamut of cultural exchange is constantly undergoing study and new suggestions are being made. One such plan has been put forward by Honorable WILLIAM WIDNALL, of New Jersey, in a bill, House Joint Resolution 68, to provide for international interchange of artists and art works. I am happy today to introduce a companion bill in the Senate so that further exploration may be made on this important subject. As in all things, the emphasis in these programs is changing and I find that some suggestions that I might not have been enthusiastic about in prior years I now view in a different perspective. So I am encouraged whenever we do have an opportunity to talk about these suggestions and ideas.

These projects and others which are related to our cold war efforts need constant review. In the event we have committee hearings on the legislation which I have introduced today, I expect to suggest to Government officials that a study be made on the possibility of reorganizing all the cold war functions into a single central office.

While both the educational and cultural exchange programs and the U.S. Information Service are provided for in the same Smith-Mundt law, we find that they are now separated, the first remaining in the State Department and the second in a separate agency.

The USIS has been doing a uniformly good job. Some of us felt, when the new agency was set up, that this might weaken our programs, or permit them to operate at variance with the State Department policy. I am happy that the fears which we expressed were not borne out. I believe that is due, in most part, to the splendid, dedicated people we have had in the agency and I would say, in particular, that it was due to the directors of the agency. These men have been forward looking, industrious, and original in their thinking. Each has left his special mark on the agency. None has allowed partisanship to influence his efforts. I salute them all.

I also salute the vast majority of our ambassadors overseas who, at the working level in the field, have been able to bring about a coordination of the oversea information programs and the exchange and cultural programs so that they move in the same direction, and are aimed at the same target, with a minimum of confusion and contradiction. Because of the team attitude being manifested so well in the vast majority of our foreign embassies, pessimistic predictions which were made at the time the measure was proposed that would divide and separate the two branches of the service provided by the Smith-Mundt Act have not materialized. I congratulate our field forces in the diplomatic service and the leadership of those ambassadors, who, in the vast majority, have been able to maintain a harmonious and coordinated approach to the whole business of influencing people overseas.

In this effort of sending information overseas, the agency is often faced with critical and emergency situations. I believe that it is now geared to do these jobs effectively.

With the changing picture in world affairs, the agency must redesign its functions from time to time to reach new audiences with a variety of communications efforts.

I am happy to note that special efforts are being made to reach the African nations, newly formed, so as to preserve their friendship for us and for the goals of the free world. This is a most difficult assignment because of the semiprimitive areas in which our people must sometimes work.

Likewise, more and more emphasis is being put on our Latin American operations, where we have many problems and where there is much work to be done.

In both these areas we will have to have more and more effort in both the cultural exchange and our information programs. The countries on these continents are the largest stakes placed on the international gaming tables. We must win the struggle for allegiance and alliance to preserve freedom for the people in these countries and to assure the safety of the world.

All in all, on this 15th birthday of the Smith-Mundt Act, we can safely conclude that the provisions of the law provide the means of protecting our own interests as well as the interests of other freedom-loving people. It offers means of aiding those nations which are in need of technical, political, and economic assistance, so they may be able to solve their own problems and to work out their own destinies under the banners of freedom.

Fifteen years from now, we may be saying about the same thing in regard to this program, because I am sure the world will still have many unsolved problems. I am confident that the United States will maintain its role as leader of the free countries. I presume that there will be countries which will need to share knowledge with us, and there will be people who will want to come here to try to find answers for their problems. We will have many Americans who will want to go abroad as students, as teachers, as technical advisers, and in many capacities, so they can learn about other nations and have people of other countries learn about us.

I have never talked with an international diplomat from the United States who has not proclaimed these programs as being the most helpful in our international relations. This makes me immensely proud. It is my fervent wish that the ideas and ideals initiated and put in action by the Smith-Mundt Act will continue to serve the cause of freedom and knowledge for many years to come.

During the last Congress we moved in the direction of better coordinating our various Government programs in these areas of mutual exchanges by consolidating some of them together in activities spelled out in provisions of the Mutual Educational and Cultural Exchange Act of 1961. Not much new of importance was added but improved coordination of such specific programs as those established by the Fulbright Act, the Smith-Mundt Act, the foreign aid and assistance programs and others was attempted. There remains room and need for further coordination in this field of activity if it is to achieve the full attainments conceived for it by those who early set it in motion. And, in the oversea information areas of Public Law 402 of the 80th Congress, outside of the purview of legislation passed in the last Congress there is also room to improve the technics and tactics from lessons we have learned during these intervening 15 years.

We have barely scratched the surface in the vital matter of utilizing television for example in presenting the message of truth and the challenge of freedom to those living outside the communism slave camps of the world.

In introducing the two measures I am sending to the desk today, I do so in the hope that we will not rest on our oars in this all-important challenge of winning the hearts and minds of others to a realization of the full dividends which flow from a free way of life. We have made great progress but there remains much more to be made. I hope this Congress will make further progress in lessening the likelihood of war and in developing a lasting peace through strengthening the methods which we now employ and by adding others capable of still more rewarding attainments.

Mr. President, I introduce for appropriate reference, the two measures to which I have alluded in this anniversary address.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The bill and joint resolution will be received and appropriately referred.

The bill (S. 558) to establish an interdepartmental committee to promote economy and efficiency in the conduct of educational and cultural exchange programs, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Government Operations.

The joint resolution (S.J. Res. 30) to advance peaceful relations between the United States and other nations by strengthening and expanding the Mutual Educational and Cultural Exchange Act of 1961; to establish biennial art competitions similar to those in European countries which give the arts a status equal to that provided athletics by the international Olympic games; to coordinate cultural exchange programs with the Organization of American States and the Pan American Union; and to provide at colleges and universities centers for technical and cultural interchange similar to that at the University of Hawaii, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Foreign Relations.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, will the Senator from Virginia yield to me with the understanding that he will not lose his right to the floor or in any way prejudice his situation?

Mr. ROBERTSON. For what purpose?

Mr. HUMPHREY. For the purpose of an insertion in the RECORD.

Mr. ROBERTSON. Only an insertion in the RECORD?

Mr. HUMPHREY. With a few comments.

Mr. ROBERTSON. The Senator will not submit a resolution?

Mr. HUMPHREY. Not at this stage, but I shall later.

Mr. ROBERTSON. That is what I understood.

Mr. President, I will yield with that understanding.

The PRESIDING OFFICER. Without objection, the Senator from Virginia yields to the Senator from Minnesota.

Mr. HUMPHREY. I thank my good friend from Virginia.

ADDRESS BY DAVID E. BELL, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. HUMPHREY. Mr. President, on Monday, January 14, 1963, at Las Vegas, Nev., the new Administrator of the Agency for International Development, Mr. David E. Bell, addressed the National Rural Electric Cooperative Association 21st annual meeting—the Administrator's first major address since his appointment.

Mr. Bell's statement is strong and clear. He stressed three major points—that we are providing aid to other countries because it is in our own vital national interest; that we can work effectively only with countries that are prepared to help themselves; that our objective is to assist countries to reach a level at which they can sustain further progress by their own efforts.

I was pleased to note that the Administrator chose the National Association of Rural Electric Cooperatives meeting as the forum for his first major address. I was pleased also, Mr. President, to note the stress which Mr. Bell laid upon the necessity to stimulate the development of cooperatives and other voluntary associations in the countries we are attempting to help.

One of the great contributions people of the United States through their foreign assistance program have to offer to the peoples of the less developed countries—

Mr. Bell said—

is our pragmatic, down-to-earth, practical experience in self-government, civic responsibility, and voluntary association. The growth of cooperatives, and particularly the growth of rural electric cooperatives, is an impressive demonstration of those qualities.

Mr. President, I was particularly pleased by Mr. Bell's comments in this regard, because in the Foreign Aid Act of 1961 I offered an amendment to direct the Foreign Aid Administration to aid and assist in the development of producer, distribution, and rural electric cooperatives particularly in our Alliance for Progress program. It has been the view of this Senator that to achieve improvement in land production, land reform, and sustained growth and expansion of agricultural production in the underdeveloped countries will require a

good deal of work in the building of cooperatives which belong to the farmers themselves and which aid them in their economic growth.

Mr. President, I commend Mr. Bell's address to my colleagues, and I ask unanimous consent that the address by David E. Bell, Administrator of the Agency for International Development, on January 14, 1963, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE DAVID E. BELL, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE, TO THE ANNUAL MEETING OF THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, LAS VEGAS, NEV., JANUARY 14, 1963

Mr. Chairman, members of the NRECA, ladies, and gentlemen, I am grateful for the invitation to appear before you today. Your organization has recently joined with the Agency for International Development in a combined effort to help raise living standards in other countries. And I am an even more recent recruit to the Agency. It should be useful for us to compare notes as we commence our joint work.

I

Let me first state three assumptions underlying U.S. foreign aid efforts which I take it are common ground between us.

First, I assume there is no misunderstanding here as to the fundamental reason why the U.S. Government is providing large sums each year for military and economic assistance to the less-developed countries of the world. We do so because our own security is involved. Our own vital interests require us to do what we can to assist the growing strength of other independent countries—for only in a world community of free and self-sustaining nations can our own Nation not only survive, but flourish and prosper.

What we do in the field of economic and military assistance, therefore—how much money we provide, for what purposes, and to what countries—must be judged by the hardheaded test of whether it will strengthen the security of the United States and the free world sufficiently to be worth what it costs.

Second, I take it we are also in agreement that the development of independent strength in any country is essentially the responsibility of the government and people of that country, not of the United States. The principal effort to develop a country's economic, political, and military strength must be made by the people of that country themselves. Only when there is local leadership and a program of action for bringing about changes can outside aid be effective. We can help only those who want to help themselves. If the people of a country and their leaders are willing to discipline themselves, to make the sacrifices necessary for economic development and military security—only then can American aid have any appreciable effect. In those countries or areas where such leadership is not present, we can engage at best in only stopgap or emergency assistance.

Third, I assume we agree that the purpose of our efforts is to help other countries get on their own feet, and achieve a position in which they can sustain economic growth and political stability without extraordinary help from us or from anyone else. Neither they nor we would be served by a continuing condition of dependence on outside help. What is required to achieve a self-sustaining position is different in each case—Korea is different from Nigeria, Thailand is different from Chile. In some cases the problem can be solved in relatively short order. In others it promises to require quite a few years. But the purpose must be clear from the outset. Both the efforts of the countries receiving aid and of the United States aid programs must be aimed at achieving a condition in which each country's defense and development can be sustained by its own efforts.

These, then, are my three assumptions: We provide military and economic aid to other countries because it is in our own vital national interest; we can work effectively only with countries that are prepared to help themselves; and our objective must be to assist those countries to achieve a condition in which they can sustain further progress by their own efforts—our aid programs, that is, must be intended to be self-terminating.

II

If we can agree on these assumptions, let us turn to ways and means. How do we accomplish these purposes? The essential pattern can be stated simply, I believe, although its application in individual cases can be highly complex.

The key to the solution is for us to assist each country to mobilize, to increase, and to apply its own resources in strengthening its economy, and where necessary, its military defenses—and for us to supply additional resources where they can be effectively used and are essential to achieve stability and economic growth. Our resources may be in the form of trained experts giving advice, of capital equipment and materials, of surplus agricultural commodities, of military equipment, or other forms. But whatever the form of our resources, they must, to be effective, be related to the efforts of the country we are helping.

Let me illustrate. Ten days ago I visited an area in Vietnam, some 250 miles northeast of Saigon. This was a flat valley of ricefields, dotted with villages, between steep jungle-covered hills. A year ago those ricefields were controlled by the Communist guerrillas, the Vietcong, whose camps were in the hills and who effectively terrorized the villagers. At that time the chief government official in the area could not venture a mile outside the small town that is his capital unless he was accompanied by a large body of army troops.

Today the situation is reversed.

Today the ricefields are controlled by the Government, and the people of the villages are beginning to be able to think about increasing their rice yields and sending their children to school. The Vietcong are still in the hills—we could see the smoke from their campfires as we flew by helicopter from one part of the valley to another—but they come down only at night, to shout propaganda into the now protected villages, and they have not made an armed attack on a village for 3 months—their last one having been a disastrous defeat for them.

What has brought about this change?

First, the Vietnamese Army, advised by American officers, conducted vigorous offensive operations against several of the Vietcong jungle camps, destroying much of their foodstocks and other supplies.

Second, the villages of the plain, one by one, have been organized into what are called there strategic hamlets. Simple defense fences—bamboo stakes or barbed wire—were established around each village. Young men of the village were given arms and rudimentary military training, to serve as village guards by day and by night. A radio was placed in each village, so that army troops could be called in the event of a Vietcong attack. The people of the village stay inside their fences when night falls, and military patrols protect the ricefields at harvest time.

The strategic hamlet system is proving very effective. Vietcong attacks on the defended villages in the valley where I was have been beaten off by the villagers themselves with the help of army units. And without access to the villages the Vietcong have lost their sources of food, supplies, and recruits.

Aid from the United States and other countries has provided the barbed wire, the weapons, and the radios. The villagers have provided the manpower, the organization, the energy, and, above all, the will to defend themselves.

For the means for defense are plainly only part of the story. The third elements in the reversal of control in that green valley has been the indispensable desire on the part of the villagers to oppose the Vietcong and to support the National Government. This was not to be taken for granted. These villagers had known little but war for 20 years—first the Japanese invasion during World War II, then the struggles for independence from the French, then the Vietcong guerrillas. One might well have expected them to remain passive while the Government troops and the guerrillas fought over the ricefields.

But this has not been the case. The villagers have been willing to fight when they had the means to defend themselves. The reason no doubt is partly their anger at Vietcong terrorism. But in addition they have the hope in the Government's village uplift program of achieving a better life. The Government, in a recent reversal of old traditions, has encouraged the villagers to elect their own local officials. And partly in response to the villagers' own expressed wishes, Government programs for improving agricultural output, health, and education are going into effect. And here, too, American aid is involved. We are providing fertilizer to demonstrate its value in raising rice yields—next year the farmers are expected to buy their own. We are providing cement for pigsties, and surplus corn to start a cycle of larger pig production. And two young Americans are in the area we visited, advising the local government officers on the village uplift program and working directly with the villagers.

This, then, is one illustration of U.S. military and economic aid in action. The strategic hamlet program in Vietnam is going well. It is far too soon to claim decisive results. But the combination of aggressive army attacks on the Vietcong, protected village defense against Vietcong attack, and a strong village uplift program to give the villagers an increasing stake in the progress and independence of their country, looks like a winning combination. There is no doubt that it is pushing the Vietcong back. If the Vietnamese Government continues to work strongly in this direction—and if the United States and other countries continue their strong military and economic assistance programs to Vietnam—it seems possible to hope that over the next few years the Vietcong will be reduced to a relatively minor problem, and Vietnam, which 2 years ago seemed to be ripe for plucking by the Communists, will be on the way to becoming a securely free nation, with early prospects for achieving economic independence.

I would not wish to exaggerate the rate of progress that is possible in Vietnam. It is going to be a long, tough struggle. When I asked one of those young Americans, a Bostonian named Bob Burns, how long he expected to be working there in the valley among his villages, he answered without a moment's hestitation, "6 years." But he was confident that if we stick to it, the battle against communism can be won in Vietnam. And I believe he is right.

III

I have given you one illustration of how the aid program works in the interest of the safety and progress of an underdeveloped country—and in our own interest. I could give you dozens of other illustrations. Most

of them fortunately would be cases in which actual fighting is not in progress. In most parts of Asia, Africa, and Latin America, we have the opportunity to forestall Communist infiltration and subversion—if we are wise and active enough to do so.

The situations are endlessly complex and each is different. We must work in several dozen countries, under widely varying conditions of terrain, climate and historical and cultural backgrounds. Typically, however, what we are seeking to do is to provide a wide range of resources and talents to assist underdeveloped countries to achieve economic and social progress through free institutions. For the United States to provide such resources and talents cannot be the task of a single Government agency. No single Government agency could possibly have the expertise, the business acumen and the technical skills that are necessary to create the capital plant, organize the human and material resources, supply the monetary investment and share the administrative knowledge for a modern economy. In a sense, the task of the Agency for International Development is to mobilize these private resources that already exist in our industries, farms, labor unions, cooperatives and State and local governments.

An outstanding example of these private resources is your own National Rural Electric Cooperative Association. In November 1962, 2 months ago, AID and NRECA under the leadership of your president, Mr. R. A. Yarbrough, and your general manager, Mr. Clyde Ellis, entered into an agreement to make available to the nations of Latin America the technical services, counsel and support of NRECA in the "development of rural electrification, rural industries and community facilities in those cooperating countries." Within 3 weeks after the signing of that agreement two of your experts, Mr. Louis Strong, of Blackwell, Okla., and Mr. Leo Forrest, of Hereford, Tex., were in Colombia looking into the establishment of rural electric cooperatives and studying the feasibility of further rural electrification in that country. They will soon be joined by Mr. Max Rhodes, of Youngsville, Pa.; and Mr. Lyle Robinson, of Tulia, Tex. Last week Mr. Charles Stewart, one of your members from Bowling Green, Ky., left for Ecuador on a similar mission. Mr. William Wenner, of Cambridge Springs, Pa., will soon be working in Brazil, and early next month, Clyde Ellis will also go to Brazil to lend his formidable organizing talents to the effort there.

I need not tell you ladies and gentlemen of the potential impact that rural electrification and the experience of cooperatives can have on a people desiring a better life in a free society. Perhaps the most significant contribution your organization and other cooperatives can make in this effort to strengthen the security of the free world is to demonstrate the vitality of cooperative democracy, to stimulate the pride of individual ownership, and to encourage the economic growth of rural areas. One of the great contributions the people of the United States through their foreign assistance program have to offer to the peoples of the less-developed countries is our pragmatic, down-to-earth, practical experience in self-government, civic responsibility and voluntary association. The growth of cooperatives, and particularly the growth of rural electric cooperatives, is an impressive demonstration of those qualities.

Moreover, we know the practical effect of this experience in self-help. In my own time, if I may be permitted a personal observation, I know that when I left North Dakota as a boy, less than 2 percent of all the farms had electricity. Today, 96 percent of all the farms in North Dakota have electric service. It may be worth pointing out for comparison that after nearly 30 years of communism, the annual per capita consumption for rural dwellers in the U.S.S.R. is about 127 kilowatts. It is over 1,400 in the United States. The rural electric cooperative movement in the United States has been the single most responsible factor in this improvement in the life of our rural people.

The cooperation of AID and NRECA is but one example of what I hope will be, in the months ahead, a growing involvement of organizations and groups from all aspects of American life in the great task that has been set for us by our history.

IV

For make no mistake about it, we are engaged in a tremendous struggle, on a worldwide scale, that will require sustained effort over many years to win. The powerful outreach of Communist aggression, working by subversion, by infiltration, by insurgency—by whatever means an implacable will can devise—is moving in southeast Asia, standing on the borders of India and Pakistan, hovering over Africa, seeking to expand its foothold in the Western Hemisphere.

We must be equally determined, equally enduring, equally ingenious. We must be prepared to stick to this job for as long as our national interests are threatened, as long as our security is challenged.

We must learn as we go to be more efficient in our operations. We must concentrate our efforts where they will do the most good, and eliminate marginal activities. We must obtain increased contributions to the common cause from the other developed nations of the world.

In these and other ways we must work unceasingly to get maximum returns at minimum cost. We must be prudent and frugal in our management of foreign aid funds—as in every other program involving the use of public funds.

But we must never lose sight of the fundamental fact that what we are doing through our programs of military and economic aid to underdeveloped countries, is helping to wage the epic battle of our time—the battle between freedom and communism. We can win that struggle—if we are prepared to sustain a wholehearted effort throughout the years of the Communist challenge.

I welcome the National Rural Electric Cooperative Association to direct participation in this cause. I look forward to our alliance in this effort.

Mr. HUMPHREY. Mr. President, will the Senator permit another insertion in the RECORD?

Mr. ROBERTSON. I yield for that purpose.

ISRAEL'S TECHNICAL ASSISTANCE PROGRAMS

Mr. HUMPHREY. Mr. President, last week I spoke to the Senate about the assistance which the State of Israel is giving to the Latin American countries, particularly technical assistance for agricultural production.

I was pleased to note in this morning's Washington Post and Times Herald an editorial entitled "Assist From Israel."

Mr. President, foreign aid is a heavy but necessary burden which must be carried by any nation hoping to see more opportunity for the people of underdeveloped nations and a greater prospect for the spread of freedom throughout the world.

Many of our own national leaders—including the President—have stressed in recent months the need for a sharing of this burden among the advanced and industrialized nations of the West. The United States is willing to continue its programs of foreign aid; but it is also eager to see other nations join in a common effort to banish poverty, hunger, and illiteracy in the zone of misery which circles the globe and takes in vast areas of Asia, Africa, and Latin America.

Today I want to commend the work of Israel in this effort. Israel has had recent and valuable experience in building a thriving, progressive, and free nation from the bare earth. The skills and the dedication of its people are still sharply tuned to the needs which are common in so many underdeveloped regions of the earth.

Israel has responded, with tremendously effective technical assistance programs in many nations of Africa and Asia. And now, Israel is beginning to share the skills of its people in technical assistance and training programs in Latin America. For this I wish to express our thanks.

I invite the attention of my colleagues in the Senate to the report by the group of Senators, headed by the Senator from Montana [Mr. MANSFIELD], who made a recent globe-circling tour and study of many trouble spots in the world. That report, as revealed in the morning press, stresses once again the absolute necessity for the more industrialized and more advanced nations, particularly those in Western Europe, to share the burden of foreign aid and to provide economic and technical assistance to the less privileged and underdeveloped areas of the world.

I am pleased to see that the efforts of Israel are being recognized in this country. The most recent salute came in the editorial in the Washington Post which praised Israel's technical assistance programs as commendable, "successful, and popular."

Mr. President, I ask unanimous consent that this brief editorial, titled "Assist From Israel," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ASSIST FROM ISRAEL

Israel is increasingly playing a unique role as a workshop for developing countries. Although pressed for funds for its own development, Israel has nevertheless undertaken technical assistance programs in a host of Afro-Asian countries. Doubtless there is a political incentive, but Israel's way of extending her influence is commendable, successful, and popular. It is welcome news that Israel is now expanding its technical assistance program in this hemisphere and plans to train about 200 Latin-American students in agricultural techniques.

The special value of Israel's initiative is that the country is small and its problems akin to those in developing nations. What is especially important is that few can ascribe imperialistic designs to its aid programs. An increasing exchange between Israel and Latin America can be an effective supplement to the Alliance for Progress; it is good that it has already begun.

DEFINITION OF A FARMER

Mr. HUMPHREY. Mr. President, the Farmers Union Grain Terminal Association in St. Paul, Minn., produces a radio

broadcast Monday through Friday, which is heard on 19 stations in the States of Minnesota, North Dakota, South Dakota, and Montana. The excellence of these programs has resulted in a wide audience in these four States.

On January 23, the broadcast consisted of defining a farmer, as originally done over radio station KMA in Shenandoah, Iowa. I like this definition, and commend it to the attention of my colleagues.

Mr. President, I note that many of my colleagues now in the Chamber come from areas in which agriculture is a predominant part of the total economy.

Mr. President, I ask unanimous consent that a reprint of this broadcast, which was prepared by the public relations staff of the Farmers Union Grain Terminal Association, be printed at this point in my remarks.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

GTA DAILY RADIO ROUNDUP

The problems and burdens of the world are heavy on the shoulders of some people, while others carry their loads lightly. Farmers, being people, are like that, too. Some are worried and burdened, others happy and carefree.

Trying to define a farmer is no easier than defining a family farm. But there's always somebody ready to make the try. Latest of these offerings on "What Is A Farmer?" was boomed out over radio station KMA in Shenandoah, Iowa, recently. We are indebted to our alert watchdog on news, J. K. Stern, president of the American Institute of Cooperation, for calling it to our attention.

Let's see how it jibes with your picture of the farmer.

"A farmer is a paradox. He is an overall executive with his home his office; a scientist using fertilizer attachments; a purchasing agent in an old straw hat; a personnel director with grease under his fingernails; a dietitian with a passion for alfalfa, aminos, and antibiotics; a production expert with a surplus, and a manager battling a price-cost squeeze.

"He manages more capital than most of the businessmen in town.

"He likes sunshine, good food, State fairs, dinner at noon, auctions, his neighbors, his shirt collar unbuttoned and, above all, a good soaking rain in August.

"He is not much for droughts, ditches, throughways, experts, weeds, the 8-hour day, grasshoppers or helping with housework.

"Farmers are found in fields—plowing up, seeding down, rotating from, planting to, fertilizing with, spraying for, and harvesting. Wives help them, little boys follow them, the Agriculture Department confuses them, city relatives visit them, salesmen detain them and wait for them, weather can delay them, but it takes Heaven to stop them.

"A farmer is both faith and fatalist—he must have faith to continually meet the challenges of his capacities amid an ever-present possibility that an act of God (a late spring, an early frost, tornado, flood, drought) can bring his business to a standstill. You can reduce his acreage but you can't restrain his ambition.

"Might as well put up with him. He is your friend, your competitor, your customer, your source of food, fiber, and self-reliant young citizens to help replenish your cities. He is your countryman—a denim-dressed, businesswise, fast-growing statesman of stature. And when he comes in at noon, having spent the energy of his hopes and dreams, he can be recharged anew with the magic words: 'The market's up.'"

AMENDMENT OF RULE XXII—CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

Mr. ROBERTSON. Mr. President, in what may have appeared to some persons as tedious detail, I quoted, on January 15, from the debates of the Constitutional Convention of 1787, and from the ratifying conventions in Virginia and New York, to show the very definite intention of those who framed and ratified the Constitution to create a Central Government of delegated powers, with all other powers retained by the sovereign States, or the people thereof.

Today I feel that I can emphasize what I have previously said concerning the nature of the new Union by discussing the Virginia Declaration of Rights, written primarily by George Mason, of Gunston Hall. This remarkable document antedated the Declaration of Independence by some 3 weeks. It influenced Jefferson in his preparation of that declaration and influenced also the actions of Madison and others in the Philadelphia Constitutional Convention.

Before doing so, however, I wish to commend the speech of the senior Senator from South Dakota [Mr. MUNDT]; in his able discussion of rule XXII last week, he said:

The precedent of giving power to a majority today to require a two-thirds majority to shut off debate after due and adequate debate in the next session could with equal ease in the next Senate change the rule to shut off debate with a simple majority of the Senate with substantially less intervening debate or with no debate at all. * * *

In my 10 years in the House I saw this happen many times. Anyone who is seriously interested in learning why the Senate needs some rules to protect the minority position, if it is going to maintain a different character from the House of Representatives, need only read some of the past debates in the CONGRESSIONAL RECORD, at times when one party or the other had a predominant majority in the House of Representatives.

Time after time in those 10 years I was among those who had minority viewpoints, who desired to express them and who sought to get the precious 5 minutes, which is the maximum time allowable, usually, during debate on important issues in the House of Representatives. * * *

I did not have a chance to be heard. I am not egotistical enough to think that I would have changed any votes. However, I might have reenforced my own vote and reassured myself; and perhaps I might even have paved the way for some Senator reading the debate later to be influenced in part by the proposals which I had made.

I am reminded by that statement of my own experience in the House. During my service in that body a resolution was introduced to draft the railroad workers. It was not sent to any committee. Members of the House had no opportunity to study what was involved. They were told that the welfare and security of our Nation were at stake and that if they did not promptly break the railroad strike by drafting the strikers into the Army and letting the Army operate the trains of the Nation, we might lose the war.

With little debate, with virtually no opposition, the bill passed and was sent to the Senate. On the Senate side, Senators took time to look into what was concerned. They found that the type of emergency which had been described did not exist; that there was no necessity for such drastic action; and, furthermore, that such dictatorial action was not constitutional. The Senate killed the bill, and very properly so.

As some of my colleagues may remember, I served for 10 years on the House Ways and Means Committee. During that time I undertook to be a leader in the committee for the reciprocal trade program of Cordell Hull of Tennessee.

In Cordell Hull the State of Tennessee gave us not only a great Senator, but one of the greatest Secretaries of State this country had during my 30 years of service in the Congress. So I became interested in tariffs and started to look back into tariff history. The Cordell Hull policy was tied to lowering the prohibitive rates of the Hawley-Smoot Act.

Some Senators do not know that the Hawley-Smoot Tariff Act is still the law of the land. I am sure that still fewer of them know how it was written. The Hawley-Smoot Tariff Act was drafted by a small group of industrialists from Pennsylvania who came to Washington and went into executive session with the Republican Members of the House. Those sessions were continued for 3 months, and no Democrat was admitted to them. A bill was framed, introduced, and reported. The 10 Democratic members of the 25-member committee were told, "You can read it, and you can vote any way you please, but that is going to be the bill. You cannot change it."

They were right. When that drastic bill was presented on the floor of the House, only 2 hours of general debate were allowed. Pro forma amendments could be offered, with 5 minutes of debate. Only two sections of that tariff bill, which had dozens of important sections in it, were even discussed. That is why, under a gag rule, the most disastrous tariff that we have ever had, was put through the House.

Some people wonder at the present bitterness against us in the trading nations of Europe. I would not be surprised if the Common Market—which is now used to exclude our poultry, our wheat, and other farm products—were not used eventually to exclude us from practically all trade in Western Europe.

I refer to my own experiences, however, to say in commendation of the statement of the Senator from South Dakota [Mr. MUNDT], that here are striking examples of what a gag rule can do to a legislative body.

The Senator from South Dakota made some other fine observations about the importance of retaining the right to full and free debate on the Senate floor.

With regard to civil rights, the distinguished Senator has the following to say:

I do not believe that civil rights is an issue at all in this debate. If my memory serves me correctly, in the 24 years I have been a Member of the U.S. Congress, I have voted, without exception, for all the protective civil rights measures which have come up for a

vote. That does not mean, however, that I will now vote to destroy the protective rules of the Senate in order to achieve some new and unnamed protective legislation for minorities; which, if it is good, is wise, and is prudent, can be enacted under the present rules, as we have demonstrated time after time after time in the Senate.

No; something far deeper, more important, and more fundamental than any civil rights proposal is involved in this debate. It is the citizenship rights of all Americans. It is the right of all minorities, not merely a racial minority or a religious minority or a geographical minority. It is the right of all minorities in America to be protected and to be heard.

The fallacy of the argument in opposition to the Senate's continuity was thus summarized by Senator MUNDT:

Mr. President, either we are a continuing body with continuing rules or we are not; it is not possible to have the best of both worlds. Based on my own study it seems to me that the vast body of authoritative commentary supports the view that the Senate is a continuing body. The very fact that the Constitution provides for the tripartite division of the Senate for election purpose seems to admit to only one conclusion on this point—that the Senate was conceived as a continuing body. Certainly the commentaries of Madison, Hamilton, and Jay in the Federalist Papers strongly support this position.

Those seeking to convince us that rule XXII has no force or effect at the beginning of a new Congress unless it has been affirmatively approved by a majority of the duly constituted membership have placed great stress on the language in article I of the Constitution providing that a majority shall constitute a quorum for the purpose of transacting business. However, after having made the flat assertion that a majority of the membership shall constitute a quorum, which to my knowledge no one disagrees with, they have provided precious little in the way of cogent argument to support their plea that rule XXII is not presently operative. They argue that the Senate has no continuity.

If we accept * * * the view today that the existing provisions of rule XXII have no force and effect in this debate to amend that rule, then what protections does a minority have to fully air its views if at the beginning of the 89th, the 90th, or some future Congress a willful majority should decide to further restrict the rights of minority expression in the Senate?

* * * * *

Once we destroy our rule book, Mr. President, we shall have shot the policeman protecting the rights of the minority. No one can promise on the floor of the Senate today what a Senate 2 years from now will do. None of us knows who will be here in 2 years. If we are to fulfill the promise, none of us can be sure he can sway a sufficiently large number of his colleagues to make performance of the promise a reality of 2 years or 4 years hence.

The distinguished Senator from South Dakota quickly disposes of the argument that our retention of rule XXII would place new Members in a disadvantageous position. He argues as follows:

As a matter of fact, new Members will have a better opportunity to be heard on the rules under the present provisions of rule XXII than they would under either the Anderson or the Humphrey plans, for the simple reason that the oldtimers, who will always comprise nearly two-thirds of the Senate's membership, will have a more difficult time denying them the right to fully speak their piece. Under existing rules and procedures, new Members at least have the opportunity to appear before the Rules Committee to express their views and to argue, if they choose, on the floor of the Senate in favor of such viewpoints.

My colleague points out that it is the minorities, not the majorities, who need protection. He continues:

Once we establish the precedent that a simple majority, at the opening of a new Congress, can rewrite the rules—I repeat—every single protective device for protecting a minority viewpoint or a minority party in the Senate—sometimes Republicans, sometimes Democrats, sometimes a farm group, sometimes a city group, sometimes those from big States, sometimes those from small States—will be gone forever, because it will then be admitted that one vote more than half of those voting, on the opening day, can destroy all the guardians of the past and rewrite whatever the majority of the moment deems to be expeditious for its own particular partisan purpose.

Senator MUNDT notes that the Constitution has several provisions which—in order to protect the minority—deny a simple majority the right to rule. The distinguished Senator states that:

Our constitutional forefathers recognized that in some matters it was not wise and proper to permit a simple majority to prevail on every issue and to decide every public question or procedural process. The Constitution or the amendments thereto provide in at least eight different cases for a two-thirds majority.

Impeachment convictions require the concurrence of two-thirds of the Members present.

Expulsion of a Member requires the concurrence of a two-thirds majority.

Overriding a veto requires approval by two-thirds of the Members.

There are other instances in which a two-thirds vote is required by constitutional provision.

For example, a two-thirds vote of Senators is provided on certain other orders and resolutions.

Amendments to the Constitution may be presented by two-thirds of both Houses, when they deem it necessary.

After noting that the ratification of treaties requires a two-thirds majority of Senators voting and present, the distinguished Senator from South Dakota concludes his summary:

In the instance when the election of the Vice President should fall to the Senate, again the Constitution provides for a two-thirds vote.

On the removal of a disability for membership in the Congress, when it is caused by a Member having been involved in an insurrection, a two-thirds vote is required.

Mr. President, I commend the remarks of the senior Senator from South Dakota to the Members of this body for careful consideration. Those who today are members of a particular majority could well find themselves tomorrow in the minority. I dare say there is no Senator present who has not voted against a proposal which the Senate has eventually approved. We have all at one time or another been members of a minority.

I have chosen today to discuss some of the underlying principles on which our system of government is founded.

I now wish to turn to Virginia's contribution to what might be called the birth of a nation.

The Declaration of Rights as adopted by the Virginia Convention on June 12, 1776, is divided into 16 sections. Fourteen of these were written by Mason himself and received but few alterations before final convention approval. According to Edmund Randolph, the youngest delegate, the Declaration of Rights proposed by George Mason, "swallowed up all the rest, by fixing the grounds and plan, which after great discussion and correction, were finally ratified."

No one can say with complete accuracy just what factors motivated George Mason in each and every expression that he made. It is certain, however, that he was a profound and well educated man, although he had received no formal university training. His knowledge of the law motivated his associates to call on him frequently for advice and to respect his opinions and his political sagacity. As a young man, he studied in the library of John Mercer, an attorney, who complied the "Abridgements of the Laws of Virginia." Mercer's library was one of the largest in law, philosophy, and the classics in the Virginia colony.

Accordingly, we may say that Mason was mindful of Biblical morality, of the writing of classicists such as Pericles and Cicero, of the provisions of the Magna Carta signed in 1215, of the Petition of Rights of 1628 inspired by Sir Edward Coke, of the Bill of Rights of 1689 written by the great Lord Somers, and of the philosophies of John Locke and Jean-Jacques Rousseau. Equally important, Mason knew how to mold these principles into a form of government compatible with the freedom-loving spirit of the colonists.

It is proper at this time that we carefully analyze those principles—as embodied in Mason's declaration—which serve as the foundations of American constitutional government.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the Virginia declaration, about which the Senator has been speaking, was adopted by the representatives of the people of Virginia prior to the Declaration of Independence?

Mr. ROBERTSON. Yes; 3 weeks before. Jefferson drew liberally on it.

Although I am a great admirer of Jefferson, I must admit that, in drafting the Declaration of Independence, he paraphrased the language in the Virginia resolution to please the Revolutionists in France. In doing so, it looked as though he said and meant that all men are born equal. That was not in the Virginia declaration. The distinguished Presiding Officer (Mr. KENNEDY in the chair) may recall that the wife of John Adams, Abigail, wrote him:

John, how could you sign a statement which declares that all men are born equal, when you know that is not true?

He wrote back to Abigail:

You did not understand what we meant. All that we meant was that all men were born men and not that some were born men and some were born whales.

Jefferson paraphrased those words as I said. I will show what they mean.

Section 1 of the Virginia Declaration of Rights reads as follows:

That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

As I have said, the Virginia Declaration of Rights was adopted 3 weeks before the Declaration of Independence. The newspapers carrying it had reached Philadelphia. Jefferson was a great man, but he paraphrased that wording, and in doing so he laid the foundation for some neoliberals to claim that everyone is equal. Everyone knows that cannot be true.

All it can possibly mean is that when a person enters into a state of society, he acquires certain rights of which his posterity cannot be divested. Since the abolition of slavery, all men can now enter into that society. When they do that, they are accorded equal protection under the law. That is all there is to it.

The origin of this doctrine can be traced to the early Greek Stoics, who believed that by natural law all men are born free and that all men are equal in natural rights.

The Roman jurists accepted these principles. Although they did not recognize a right of revolution, the Romans believed that the protection of the rights of the individual was the main purpose for which the State existed. The law of nature and the principle of justice were common to all men. Asserting his belief in the equality of man, Cicero in his "Origin of Laws" maintains that men do not differ in kind, though they may vary in degree, because nature has given reason to all men. He argues that:

In fact, there is no human being of any race who, if he finds a guide, cannot attain to virtue.

Paradoxically, the unlimited personal authority of the emperor was founded upon a purely democratic basis. Ulpian expresses the paradox in the following manner:

The will of the emperor has the force of law, because by the passage of the lex regia the people transfer to him and vest in him all of its own power and authority.

That is, the emperor's will is law but only because the people choose to have it so.

When the study of Roman law was revived toward the close of the Middle Ages, the Roman dictum that the will of the emperor is the source of law was separated from the Roman idea that the emperor was the agent of the people. Stripped of its original meaning, the doctrine was used as the basis for the theory of the sovereignty of the national king. In contrast, the opponents of royal authority relied upon the stoic doctrines in constructing the theories of social contract and natural rights which were to serve as the stimuli for revolution and democracy.

Among the exponents of freedom and equality, none had a greater influence upon Mason than the eminent English philosopher, John Locke.

Locke was the political theorist of the Protestant Reformation. He strongly objected to the doctrine of royal prerogatives based upon divine right.

Instead Locke expounded the belief that individuals, by means of a social compact, formed a body politic, giving up their personal right to interpret and administer the law of nature in return for a guarantee that their natural rights of life, liberty, and property would be preserved. When injustices become obvious, the people might resist the civil authority. There was need of rebellion, Locke stated, whenever the government endeavored to invade the property of the subject and to make itself the "arbitrary disposer of the lives, liberties, or fortunes of the people." This right of revolution was qualified in only two ways. Force was not to be used except in the most serious cases. And only the majority could overthrow the government.

The influence which Locke's philosophy had upon Mason is evident not only in the first section of the Declaration of Rights but also in the second and third sections. They are as follows:

II

That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III

That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

Later in this discourse I shall have occasion to refer to the phrase "common benefit," which was written into the Articles of Confederation during the Revolutionary War as "general welfare." I shall show beyond any question of doubt that there was never any intention on the part of the Virginia delegation and—in particular, James Madison—to demand, either in the Constitutional Convention in Philadelphia, or anywhere else, a government of unrestricted powers.

Although the writings of Locke and of other noteworthy men greatly influenced Mason, the Declaration of Rights was, by no means, a mere repetition of another's ideas. Admittedly, Mason was not a discoverer in a wholly unexplored field. However, according to Hon. R. Walton Moore, of Fairfax County, Va.:

No one will deny that he exhibited astonishing originality in what cannot be regarded as other than a great creative achievement.

For example, Mason was familiar with the English Bill of Rights of 1689. However, that instrument was largely retrospective. The English Bill of Rights contained little or no thought of popular government, for it left the prerogatives of the Crown unimpaired and the authority of Parliament beyond any great control by the people.

The work of Mason applied the principles of freedom, equality, and the social compact to local politics and gave them a new meaning in the American application.

Mason states in section 4:

That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

Such thinking derives its origin from Pericles who, in his famous "Funeral Oration," stated this principle as follows:

If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfer with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the obscurity of his condition.

Mason, like our other forefathers, had seen the numerous abuses which resulted from hereditary political offices, notably the succession of kings. For these early Americans the elevation of anyone to a position of authority must depend not on ancestry but rather on merit. And who should be the judge of merit but the people themselves?

The precautions which Mason insisted upon were later incorporated in article I, section 9 of the Constitution:

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 5 deals with the separation of the legislative, executive, and judicial powers within government; and with the need for frequent, certain and regular elections. This section requires:

The legislative and executive powers of the state should be separate and distinct from the judicative; and, that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

Hugh Blair Grigsby, who wrote the story of the 1788 Virginia Constitutional Debates, states:

It is to the wisdom of Mason we owe the great American principle, that the legislature, the most dangerous of all, should be bound by a rule as stringent as the executive and the judicial. Even in a republic the legislature might still have been supreme. It is therefor the peculiar honor of Mason that he not only drafted the first regular plan of government of a sovereign state, but circumscribed the different departments by limits which they may not transcend.

Indeed, Mason objected to the new Constitution partly because it made the Vice President of the United States the Presiding Officer of the Senate, in Mason's words, "thereby dangerously blending the executive and legislative powers."

In section 6 Mason prescribes the following requirements for free elections, the right of suffrage, and due process of law:

That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

Mason's study of the English Bill of Rights gave him much background for this section. The Bill of Rights of 1689 provided in part that no revenue shall be levied without the consent of Parliament and that Parliament, regardless of the King's prerogative, would have the right to meet frequently.

The origins of due process of law can be traced even further to the Magna Carta of 1215 in which the mass of the population called "villeins" or "rustics" were given the guarantee that they would not be deprived by fine of their carts, ploughs, and other implements of husbandry.

As any student of American history will remember, the cry of: "Taxation without representation," served as one of the major indictments of British policy and helped to precipitate the Revolution itself. Mason sought to insure that no government on the American Continent could tax citizens or deprive them of their property without their own consent or that of their elected representatives.

Section 7 states:

That all power of suspending laws, or the execution of laws, by any authority with consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

This section can be traced to the English Bill of Rights of 1689 which provides in part that the King shall have no power to suspend the operation of any law. Formerly English Kings had been able to circumvent the power of Parliament and, consequently, of the people, by suspending laws in a general or in a limited field.

To prevent the will of the people, that is, of Parliament or of Congress, from being circumvented, Somers in the English Bill of Rights and Mason in the Virginia Declaration of Rights made it emphatically clear that no longer would such methods on the part of the executive be tolerated.

Sections 8, 9, 10, and 11 attempt to secure the benefits of justice to the citizen at home and in court. These sections are as follows:

VIII

That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

Recently, Mr. President, a determined effort was made on the floor of the Senate—and it was defeated by only a small majority—to deprive those involved in certain types of criminal cases of the constitutional right to trial by jury. It was only after a determined fight that we were able to preserve that important freedom.

I now read section IX:

IX

That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

This was written into the Bill of Rights of the Constitution.

Now I read sections X and XI:

X

That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

XI

That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

The antecedents of the principles espoused in sections 8, 9, 10, and 11 are many. For instance, the right to trial by jury can be traced to the Athenian state.

The courts of Athens differed from ours, in that they were democratic in organization and spirit. For example, the judge was a collective entity, selected from a jury panel of 6,000. Often this judge-jury would consist of 400 or 500 citizens. The theory behind such large numbers was that the courts were the people. These juries had power to reach decisions in both civil and criminal cases and to impose penalties from which there was no appeal.

Mr. President, I pause to state that in the fall of 1949, the Senator from Mississippi [Mr. STENNIS] and I accompanied several Members of the Senate to Europe in order to see how the Marshall plan was working.

While we were abroad, in Greece, examining the handling of the program there, we took the opportunity to visit the old Acropolis. Across from it were some stone caves which had been used as prisons. In one of them, Socrates, one of the greatest of all philosophers, had been imprisoned, and had been forced to drink a poisoned cup of hemlock.

The point which I wish to make is that Socrates did not have the benefit of a sworn jury such as our system provides. Instead, he was a victim of mob action, in effect, because approximately 500 persons sat on the jury that condemned him to death.

The mob-jury charged him with perverting the youth of Athens through his teaching of fundamental rights and ethics which some of the leaders wished to repudiate. His trial was a mockery, because he was subjected to what amounted to mob action. Under their system, 500 persons, or sometimes 1,000, served on the so-called jury.

Our forefathers in Virginia knew about all that, and did not want us to have such a system. So they gave us something better; and, as I have said, we in the Senate have been making a determined effort to preserve it.

The origin of the English jury system developed first as an inquiry by duly appointed men to determine, for instance, the proper boundaries of a neighbor's land. These men arrived at their verdict on the basis of facts known to them, and to which they gave oath. By the middle of the 15th century the jury system had become crystallized into the form with which we are familiar today.

Throughout the Magna Carta we find expressions of the basic principles embodied in these four sections of the Virginia declaration. The Magna Carta states:

No bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.

Also:

No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

And finally:

To none will we sell, to none will we deny, to none will we delay right or justice.

Although section 10 forbidding the use of general warrants was not proposed by Mason himself, it is reasonable to assume that he was by no means unsympathetic to this section's content. As early as 1761, James Otis, of Massachusetts, had protested the use of general warrants in America. Otis called them, "the worst instrument of arbitrary power," placing "the liberty of every man in the hands of every petty officer."

Mason clearly saw the need for protecting the citizen from the abuse and injustice of which unscrupulous officials were capable. The guarantees embodied in sections 8 through 11 of the Virginia Declaration and the corresponding assurances in the American Bill of Rights were designed to accomplish this aim.

In section 12 of Mason's Declaration, the author contends:

That the freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that Woodrow Wilson said he would rather have been the author of the Virginia Bill of Rights than to have been the author of any other document ever penned by the hand of man?

Mr. ROBERTSON. That is correct. Certainly in the last 100 years Woodrow Wilson was the most scholarly President our country has had; and I think he was

the closest approach, as a political philosopher, to the model, Thomas Jefferson.

I must say, however, that I do not think George Mason has ever received the credit to which he was entitled. It sc happened that his wife died when he was rather young. Mason had a large family which he loved; and, therefore, he would not serve in public office. So after he laid the foundation for our greatness, he retired from the scene. As a result, he was never elected to the Senate, nor was he ever elected President of the United States. But he made one of the outstanding contributions of his day and time—a contribution which, as I have said, was reflected not only in the Declaration of Independence, but also in the United States Constitution itself.

Mr. HILL. Is it not also true that he gave us the chart and compass for our great representative, democratic, American government, which we have had since the days of the Founding Fathers?

Mr. ROBERTSON. Absolutely so; and I am referring to these matters of history, first in order to point out the principles of government which our Founding Fathers intended that we should have, and, second to establish that the Senate's existence as a continuing body was one of these principles.

To continue, there is a very close relationship between freedom of speech and freedom of the press. Under the English Bill of Rights, immunity was granted for speeches delivered in Parliament. Long before this, however, Pericles had maintained in his funeral oration that—

> Instead of looking on discussion as a stumbling block in the way of action, we Athenians think it is a desirable preliminary to any wise action at all.

John Milton in his "Areopagitica" described the value of this freedom as follows:

> And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter. Her confuting is the best and surest suppressing.

Today, we accept freedom of the press as a matter of course. This is a freedom, however, which did not come easily. Many great world figures—among them Socrates, Thomas à Becket, Joan of Arc—have lost their lives for expressing their convictions. Behind the Iron Curtain today the press is controlled by the state. We, however, believe that the expression of opinions and attitudes, however harmful they may appear at the time, will, in the long run, do a nation more good than harm. As Mason realized, a free and informed press is one of the greatest assets which any society can have.

Section 13 of the Virginia Declaration of Rights provides:

> That a well regulated Militia, composed of the Body of the People, trained to Arms, is the proper, natural, and safe Defense of a free State; that standing Armies, in Time of Peace, should be avoided, as dangerous to Liberty; and that, in all Cases, the Military should be under strict Subordination to, and governed by, the civil Power.

In England, as well as in America, the right to bear arms was the means of assuring self-government against the tyranny of the King. The English Bill of Rights of 1689 provided that—

> Subjects which are Protestants may have arms for their defense, suitable to their conditions, and as allowed by law.

This provision also prevented the extension of the King's authority through the quartering of troops in time of peace.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that one of the great motivations on the part of the Founding Fathers to make the Senate a continuing body was that this body might always be here to preserve the great fundamental rights of which the Senator has been speaking?

Mr. ROBERTSON. What the Senator has said is absolutely correct.

Continuing from my text, in America John Adams had held that the local militia was one of the four cornerstones of New England. Adams maintained that in populating the wilderness, the right to bear arms and maintain militia was absolutely necessary.

Mason and the other Virginia Convention delegates, however, had far more in mind than merely protecting Virginia from the Indians. For them a militia was a necessary element in discouraging Britain from violating what these delegates considered to be their rights as free men.

For this purpose Mason had previously submitted a plan to the Fairfax County Committee for the organization of a group known as "The Fairfax Independent Company of Volunteers." After its organization and while the company was under Washington's captaincy, Mason made an address to this body emphasizing freedom, equality, the social compact, natural rights, and the fact that power is derived ultimately from the people. These principles, of course, were to be later incorporated into the Declaration of Rights.

The 14th section of the Declaration of Rights is not the work of Mason but was added by the Virginia Convention. It reads:

> That the People have a Right to uniform Government; and therefore, that no Government separate from, or independent of, the government of Virginia, ought to be erected or established within the Limits thereof.

Apparently this section resulted from the efforts of those delegates who were concerned over the situation in Virginia's western territory.

It is interesting to note the relationship between section 14 and the thinking of those delegates in the Virginia Constitutional Convention of 1788 who objected to the Constitution on the ground that the Federal Government thereby created would engulf the States with a tyranny not dissimilar to that of George III. The foresight and determination of men like Mason established our Central Government as one of limited powers and emphatically affirmed this position with the 10th amendment, which provides that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

And as I said in my previous speech last week the rules of the Senate were adopted with a view to preserving that form of government.

In section 15 Mason contends:

> That no free Government, or the Blessing of Liberty, can be preserved to any People but by a firm Adherence to Justice, Moderation, Temperance, Frugality, and Virtue, and by frequent Recurrence to fundamental Principles.

Here, perhaps, we find the strongest emphasis upon the principles of morality which are expressed in the Bible. The requirement that before justice can be rendered, there must be equality before the law came into being with Mosaic Law. When Moses established the courts, he charged the Judges:

> Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of man.

Indeed, what is the Ninth Commandment—"Thou shalt not bear false witness against thy neighbor"—if it is not a requirement that justice be done?

Nor is the Ninth Commandment, by any means, the only Biblical antecedent to the Virginia Declaration of Rights. When we say, "Thou shalt not kill, commit adultery, or steal," we are saying that man has certain inalienable moral rights. They are life, integrity, and property.

Man is the creation of God. This confirms his right to live and his right to be free, uncorrupted. But it is hardly enough for man to be alive and free; he needs things to help him keep alive and to protect and assimilate his freedom. The influence of commandments six, seven, and eight is readily apparent in Mason's Declaration. Nor is it unlikely that Mason had the Bible in mind when he called for a "frequent recurrence of fundamental principles."

Finally, 16th section declared:

> That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, toward each other.

Mason's original wording had provided for religious toleration. And we owe it to the efforts of James Madison, who, at but 25 years of age, suggested that Mason's wording in the original draft should be broadened into a statement asserting freedom of conscience.

George Mason's Declaration of Rights was adopted by the delegates of the Virginia Convention on June 12, 1776. This influential document represents a well-

phrased collection of beliefs which had been maturing in Mason's mind for a number of years. We find the trend of Mason's thinking in his address to the Fairfax Independent Co., which I have discussed previously, and in "The Fairfax Resolves." These resolutions were adopted on July 18, 1774, at a county meeting held under Washington's chairmanship and constitute perhaps the most important pre-Revolutionary document prepared in Virginia.

George Mason's Declaration of Rights is particularly significant because its principles, in large measure, serve as the basis for the Declaration of Independence, the Constitution, and the Bill of Rights.

For instance, section 1 of the Declaration of Rights closely corresponds to Thomas Jefferson's ringing words.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain Unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Furthermore, the Constitution divides our Federal Government into separate legislative, executive, and judicial branches, an organizational form which Mason recommends in section 5 of the Virginia Declaration.

And who can deny the similarity between the Virginia Declaration of Rights and the Bill of Rights which, under James Madison's leadership, was appended to our Constitution in the form of its first 10 amendments?

It was with a view to preserving that constitution's heritage that the Senate was created as a continuing body, with rules to safeguard and protect the rights of minorities.

In adopting our form of government, George Washington, to whom we are more indebted than to any other one man for our constitutional liberty, felt that we were setting an example for other nations. In his Farewell Address, he expressed the hope:

> That the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

George Washington had great respect and warm affection for his brilliant staff officer, Col. Alexander Hamilton, but stoutly resisted Hamilton's effort at the Constitutional Convention of 1787 to draft the constitution of a limited monarchy of which George Washington was to be the first king. Washington, with great understanding of human nature, and foresight of what would best promote the happiness and prosperity of the 13 struggling colonies, insisted that the new government be a republic with a written constitution; a government of laws and not of men. Washington, a deeply religious man, wanted that government to be based upon the teachings of the Bible which recognizes the dignity of the individual; a government that would be the servant and not the master of the people.

The first governmental document of our Nation, the Declaration of Independence, proclaimed the principle of individual importance, and unalienable rights. It is presented again by Thomas Jefferson in his first inaugural address. This address looks not only to the rights of man but to the means of attainment. "The will of the people," said Jefferson, "is the only legitimate foundation of any government."

In the 10 commandments the right to own and enjoy private property is clearly taught. All will recall the prophesied destruction of King Ahab for his illegal taking of Naboth's vineyard. From the Bible we get our free enterprise system which is embedded in our Constitution and is the foundation of our unparalleled material progress.

These three things, constitutional government, the Biblical traditions, and the free enterprise system, have in common this principle, that the state is made for man and not the man for the state. It is the individual who is important.

Constitutional government is not solely a matter of draftsmanship. England has had constitutional government for centuries, without a written constitution.

The fine phrases concerning freedom in the Russian Constitution did not save the millions who were liquidated to insure the continuation of dictatorial power. Other countries have drawn up and adopted what would appear on the surface to be very satisfactory written constitutions, but they have not been able to make them live as working instruments reflecting the realities of the nation for which they were drawn, to make them live in the hearts of the people.

Constitutional government is based upon the recognition that the governors of a nation are not themselves supreme and cannot act arbitrarily; they are trustees for the people and they are bound by the general rules laid down by the people. And this must be recognized both by the governors and by the governed. Constitutional government must be so devised as to enable the people to give effect to their needs and desires, and it must provide for doing this in an orderly fashion, without permitting passing fancies to upset the foundations of the government, and without unduly restricting changing demands arising from changing circumstances.

The Constitution of the United States exemplifies the principles of constitutionalism which I have mentioned. In the Constitution, the people of the United States, acting through their State representatives in the Constitutional Convention and the ratifying conventions, created a unique system of government embodying two basic constitutional principles designed to insure that the Government created would be in fact a government of laws and not of men and would in fact be the servant and not the master of the individual.

The first of these great principles is the principle of federalism. The States which sent representatives to the Constitutional Convention and which ratified the Constitution, continued as sovereign States of the United States and became integral and essential parts of the new United States, as such.

The second of these great principles embodied in the Constitution of the United States is the separation of powers between the legislative, executive, and judicial branches of the Government, each coordinate with and equal to each of the others but not entirely independent of the others.

James Madison in No. 51 of the Federalist, speaking particularly of the division of the Central Government into three departments, used language applicable to the separation of powers between the States and the Central Government, as well as to the separation of powers within the Central Government.

> "The great security against a gradual concentration of the several powers in the same department," he said, "consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.'"

Mr. ERVIN. Mr. President, will the Senator yield for a question which is relevant to the matter he is now discussing?

Mr. ROBERTSON. I yield for a question, yes.

Mr. ERVIN. I am very much impressed by the point which the Senator is now making. Is not the Senator stating, in substance, that the best test of any law or of any rule of the Senate is not what good men can do with that law or with that rule but what could possibly be done under it by bad men?

Mr. ROBERTSON. Undoubtedly. The Senator is absolutely correct.

Mr. ERVIN. Is it not true that a majority always has it within its power to protect itself?

Mr. ROBERTSON. That is a fundamental principle. The majority does not need protection. It is the minority, always, which needs protection. The majority must exercise self-restraint.

Mr. ERVIN. Was not the main purpose or one of the main purposes of the Constitution of our country to place a

restraint on precipitate action on the part of the majority?

Mr. ROBERTSON. Jefferson expressed the fear that a temporary small majority might act in a reckless manner, so he said:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

One of the chains of the Constitution which Jefferson intended—and which Madison, Mason, Washington, and Franklin intended—was that there would be a Senate as a continuing body with freedom of debate in which a minority could hold the majority in check until important issues could be aired and until the people of the Nation could become alerted and aroused.

Mr. ERVIN. Is it not true that if a body wishes to protect a minority it must put a restraint on the majority to restrain the majority at times, especially in times of stress, from hasty and precipitate action on its part?

Mr. ROBERTSON. There is no doubt about that.

Mr. ERVIN. Is that not the genius of rule XXII of the Senate as it is now phrased?

Mr. ROBERTSON. I previously mentioned our visit several years ago to Athens and to the prison in which Socrates was imprisoned. A majority put Socrates to death, but if there had been an organized minority, with freedom of debate, the rest of the people would have become aroused and would never have permitted him to be put to death in that way. It was majority action, yes, but the majority can be wrong.

Mr. ERVIN. The Senator is making the point—very eloquently, I think, as I consider his remarks—that Socrates was compelled to drink hemlock and Jesus was nailed to the rood by the majority.

Mr. ROBERTSON. That is true. The Senator gives a very striking illustration of what a majority can do. A spineless Governor asked, "Whom shall we free, Jesus or Barabbas?" What did the majority yell? "Give us Barabbas. Crucify Jesus. Crucify Him."

Mr. ERVIN. In other words, when Pontius Pilate told the majority it could choose between freeing Barabbas, the murderer and robber and Jesus, the majority shouted that they wanted to free Barabbas, the robber and murderer, rather than the Savior of mankind. Is that correct?

Mr. ROBERTSON. That is true.

I return to what the Founding Fathers said about our form of government.

Mr. Justice Brandeis, in 1926, adopted Madison's interpretation of the separation of power doctrine when he said:

> The doctrine of the separation of powers was adopted * * * not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The separation of powers between the Federal Government and the sovereign States, in order to provide an automatic check upon oppression and arbitrary Government, did not come into being in its constitutional form until after it had been considered again and again at the Constitutional Convention.

Before the Convention, James Madison considered giving the Federal Government—

> a negative in all cases whatsoever on the legislative acts of the States, as heretofore exercised by the Kingly prerogative.

The Committee of Detail, at one point in the Convention's deliberations, recommended that the Constitution should authorize the Congress to provide for the management and security of the general interests and welfare of the United States, with only the general limitation that such power should not interfere with "the government of individual States, in matters which respect only their internal police, or for which their individual authority may be competent."

These proposals do not appear in the Constitution. Instead of such broad and general powers, the Constitutional Convention decided to give the Federal Government only the limited powers specifically enumerated in the Constitution.

The 9th and 10th amendments were added to the Constitution, as parts of the Bill of Rights, in order to make it abundantly clear that the Constitution was a limited document, delegating to the Federal Government only those powers enumerated in the Constitution and reserving to the States or to the people all remaining powers.

In 1819, in the famous case of McCulloch against Maryland, Chief Justice Marshall declared that, while the 10th amendment did not take away from the Federal Government those powers which the Constitution delegated to it, it was an express and explicit reiteration of the principle that the Constitution was a grant of enumerated powers, not an unlimited delegation. That was overruled in 1937 by the Supreme Court in Helvering against Davis.

There are, of course, a number of powers granted to the Federal Government in fairly explicit terms. Much of the expansion of these powers since 1789 has been incident to the changes in our civilization. Jefferson once wrote of a trip from Charlottesville to Washington, during which his fastest speed was 3 miles per hour. He would be fascinated by an airplane trip today in 40 minutes. I am sure he would agree that the power in the Constitution to regulate commerce among the several States and with foreign nations extends to railroads, automobiles, airplanes, radio, and television, even though these were unknown to the framers of the Constitution.

Much of the expansion of the power of the Federal Government has resulted from enlargement in the construction of certain clauses of the Constitution, some of which were originally intended only as limitations upon the power of the Federal Government.

The Bill of Rights, adopted at the beginning of our national history, contains the guarantee that no person shall be deprived of life, liberty, or property without due process of law.

In his great treatise on the Constitution, Justice Story considered this phrase as a requirement of orderly procedure, in other words, a procedural limitation rather than a grant of substantive power to the Federal Government. The phrase was given no real substantive content until after its adoption in the 14th amendment providing that no State shall deprive any person of life, liberty or property without due process of law. The opportunities for interpretation of these four words, "due process of law," are tremendous. Under judicial interpretation the words have developed from a requirement of fair procedure to the status of a broad veto power over both State and Federal action. Perhaps as good a statement as any of the power assumed by the Supreme Court under the due process clause of the 14th amendment is that the Court can set aside any State action which it considers too bad. As Mr. Justice Douglas said in a recent dissent:

> Due process under the prevailing doctrine is what the judges say it is; and it differs from judge to judge, from court to court.

One clause of the Constitution which has been expanded greatly is the power of Congress to spend money in aid of the general welfare. The Supreme Court has adopted Hamilton's view of the meaning of the power "to lay and collect taxes, to pay the debts and provide for the common defense and general welfare of the United States," and has stated, in effect, that it would impose virtually no restriction on expenditures which might be made by the Federal Government.

I cannot emphasize too strongly that the general welfare clause was not intended to constitute in itself a grant of power to the Federal Government. Otherwise, the Constitution would never have been ratified. In voting to ratify the Constitution, New York first and then Virginia and two other States adopted qualifying resolutions to the effect that the State was voting to join a Union of strictly delegated powers, and should the new Federal Government ever exceed those delegated powers, to the detriment of the ratifying State, it reserved the right to secede. In fact all 13 States felt the same way and believed that they had made secure, for all time, the doctrine of limited Federal powers, through the prompt and unanimous ratification of the 10th amendment.

Article I, section 8 of the Constitution reads as follows:

> The Congress shall have Power To Lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

History clearly indicates the meaning which our Founding Fathers intended this section to convey.

In the Articles of Confederation the term "general welfare" is used in both article III and article VIII.

Article III:

> The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the secu-

rity of their liberties, and their mutual and general welfare. * * *

Article VIII:

All charges of war and all other expenses that shall be incurred for the common defense or general welfare and allowed by the United States in Congress assembled shall be defrayed out of a common treasury.

An examination of these articles and the way in which they were interpreted indicates that no broad independent power to provide for the general welfare was ever intended.

Students of American history agree that the weakness of the Articles of Confederation imperiled the Revolutionary movement. If the Continental Congress had possessed authority to legislate for the general welfare, there is no question but that in such an emergency they would have laid the taxes required to finance a successful fight for freedom.

Madison in the 41st issue of the Federalist had the following to say:

But what would have been thought of that assembly (Congress of the Confederation) if, attaching themselves to those general expressions and disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general welfare? I appeal to the objectors themselves, whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the Convention. How difficult it is for error to escape its own condemnation.

Obviously article VIII of the Articles of Confederation gave the Continental Congress no authority to legislate for the general welfare. Events of history bear this out. The Continental Congress could and did exercise only those powers which had been expressly granted, that is, the powers to declare war, make treaties, establish post offices, etc.

Was this limited interpretation of the power to provide for the general welfare given a broader meaning by the Constitutional Convention of 1787? Certainly not.

On August 6, 1787, the Rutledge committee, which had been appointed "for the purpose of reporting the Constitution," submitted the following article for the Convention's consideration:

ARTICLE VII

SECTION 1. The Legislature of the United States shall have—

1. The power to lay and collect taxes, duties, imposts, and excises;

2. To regulate commerce with foreign nations and among the several States;

3. To establish a uniform rule of naturalization throughout the United States;

4. To coin money; etc.

This article, as reported, was taken verbatim from Mr. Charles Pinckney's original draft, the purpose of which was to give the new Federal Government limited powers. It is to be noted especially that in submitting its report, the committee rejected the so-called Bedford amendment, which, borrowing the philosophy of Hamilton as expressed at the Convention, would have given Congress the power "to legislate in all cases for the general welfare of the Union."

I pause here, in connection with the Bedford amendment, to refer again to the fact that the distinguished Senator from Illinois [Mr. DOUGLAS] insisted, when I spoke on January 15, that Madison had supported, in the plan known as the Virginia plan or the Randolph plan, since it was presented by Governor Randolph, a provision that the Federal Government should have unlimited powers under the general welfare clause.

I denied that Madison had ever proposed such a thing.

I said it would have been utterly inconsistent with the position he had taken in the Philadelphia Convention, the Virginia Ratifying Convention, and as President of the United States.

Nevertheless, I was disturbed by the fact that reference was made in the Virginia plan to the general welfare. So I asked one of my friends, Mr. Clinton M. Hester, whom I regard as one of the best authorities on James Madison, to assist me in doing some research regarding Madison's views on the general welfare.

In addition, I also asked one of the best lawyers in Virginia to assist me in determining whether the great historian Brant, who has published the most comprehensive biography of Madison, had anywhere maintained that Madison accepted Hamilton's interpretation of its general welfare clause.

We found nothing in the Brant life of Madison which indicates that at anytime he advocated the insertion in the Constitution of a general welfare clause which would give the Federal Government unlimited power to take unlimited action in any field.

General welfare was intended to be a restriction upon the use of the powers specifically granted. In other words it was said, "We grant you these powers, but you must use them, not for individual benefit, not for the benefit of some small community, but for the general welfare."

Mr. Hester has sent me a book from his library entitled "James Madison: Philosopher of the Constitution" by Edward Mc. Nall Burns. He calls my attention to the expression of Madison's views at pages 48, 49, 50, 104, 110, 111, 112, 113, 114, and 116. These expressions set forth his views on the general welfare, with which I am in full harmony. They substantiate beyond doubt, that Madison advocated a Federal Government of strictly limited powers.

I ask unamimous consent to have inserted in the RECORD at this point these excerpts from the book to which I have referred.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "JAMES MADISON: PHILOSOPHER OF THE CONSTITUTION"

In other words, his vision was that of a government whose functions are largely negative, that regards its subjects solely as individuals with independent rights to get as much out of life as their industry, talent, and good luck will permit. It is the duty of the government to protect its subjects in the exercise of these rights, to provide a favorable environment for the development of individual faculties, especially the faculty of acquiring property, and to educate the young for the same blessings. Beyond this point the obligations of the government cease.

Generally speaking, Madison adhered in theory to the laissez faire principles defined in the foregoing message, although with numerous modifications. He had only a limited conception of the state as a positive agency for promoting the public welfare. He did not believe in the omnicompetence of government to effect the prosperity or misery of its subjects. It is rather, he maintained, the mission of government to provide a milieu in which every citizen can garner the rewards of his industry, economy, and talent. The supreme desiderata for such a society are confidence, justice, and security. These it is the exalted object of government to provide. No country in the world can do without them. They are the supreme inducements to labor, to the creation of wealth; and the chief aids to debtors, for they raise the value of property and furnish relief to the insolvent. It is the function of government also to prohibit monopolies, exemptions, and all other special privileges which interfere with equality of economic opportunity.

Madison did not consider it desirable that government should intervene directly in the interest of the less fortunate members of society. Compassion is due them, he graciously conceded, but not direct beneficence. Moreover, even if such intervention were desirable, the results would not be successful. In the main he envisaged the condition of the lower classes in Malthusian and Ricardian terms, anticipating some of the famous theories of the two great English exponents of the "dismal science." He was apprehensive that a certain degree of poverty would always be inseparable from congestion of population. No matter how wisely property may be distributed, there will inevitably develop a surplus of inhabitants who can no longer be occupied in ministering to the essential needs of each other. He was skeptical of all plans to improve the condition of the masses because of this persistent tendency to increase their own numbers with every amelioration of their economic status. The increase in numbers can lead only to a more intense competition for employment, with the result that wages will again be forced down to the same old subsistence level.

Like most advocates of laissez-faire Madison did not maintain a perfect consistency in regard to all phases of that theory. For example, he believed that in a well-ordered republic the government should construct canals, turnpikes, and other internal improvements. In the Constitutional Convention he had recommended that Congress be vested with a general power to incorporate for those objects. As President he called the attention of Congress on two occasions to the signal advantages to be derived from a general system of internal communication and conveyance. One of his last official acts as Chief Executive was to veto a bill for internal improvements; not, however, for reasons of general policy, but on constitutional grounds. He reiterated his conviction of the desirability of such improvements, but he insisted that a constitutional amendment would be necessary to give Congress power to provide for them. Nor did he alter his conviction on this subject after his retirement from the Presidency. In 1831, in a letter to Reynolds Chapman, he wrote, "Railroads, canals, and turnpikes are at once the criteria of a wise policy and the causes of national prosperity. The want of them will be a reproach to our republican system."

It may be pertinent to add that Madison's views on this matter were not in conflict with those of his famous predecessor in the Presidential office. Visions of a surplus in the National Treasury had inspired Jefferson to ask: "Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it rather be appropriated

to the improvement of canals, rivers, education, and other great foundations of prosperity and union?"

* * * * *

Madison's conception of the foundation of the Constitution virtually necessitated a theory of strict construction of that instrument. He believed that in adopting the constitutional compact the people in the States divided the sovereignty that they possessed. Since sovereignty in its entirety has no precise limits, this division could have been made in only one of two ways. Either the people in the States must have allotted to themselves a few specific powers, leaving the undefined remainder to the General Government; or else they must have made the General Government a government of enumerated powers with all the rest of the sovereignty reserved to the States. That the division was not made in the former mode, he maintained, is perfectly obvious from the Constitution itself, for the powers granted to Congress are specificially enumerated. It follows that the General Government can exercise only those powers that are actually granted to it, and such others as may be absolutely necessary to carry them into execution. This was the theory which Madison adhered to throughout his life as we shall see from a discussion of his doctrines of inherent powers, the necessary and proper clause, the general welfare clause, and the power to enact protective tariffs. Although he allowed to the General Government several prerogatives which other strict constructionists like John Taylor would never have tolerated, he always insisted that he was not doing violence to his theory, that these powers were really conferred upon Congress either directly or by necessary implication.

* * * * *

Madison would not even admit that the necessary and proper clause could be made to justify Federal expenditures for internal improvements—unless we can find an exception in certain of his statements in the Federalist. In No. 42 of that series he wrote: "The power of establishing post roads must in every view be a harmless power, and may perhaps by judicious management become productive of great public conveniency. Nothing which tends to facilitate the intercourse between the States can be deemed unworthy of the public care." But if he intended to imply by these assertions anything more than a Federal power to provide for the transmission of the mails, he changed his mind later on; for as President he denied that Congress had any authority to appropriate money for roads and canals save those having a bona fide postal or military object. Ardently as he desired a national network of communications, he insisted that only a constitutional amendment, or some adequate substitute therefor, could give Congress the power to provide for them. It is rather difficult, though, to see why he could not have found about as much constitutional warrant for internal improvements as for the seizure of west Florida, which appeared not to trouble his political conscience in the slightest.

If Madison refused to countenance a loose construction of the necessary and proper clause, even less did he approve of a liberal interpretation of the general welfare clause. The insertion of the words "common defense and general welfare" in article I, section 8, of the Constitution, so as to provide that "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States" was the result, he maintained, of a kind of freak of history. The taxing power clause as it originally stood expressed simply a power "to lay taxes, duties, imposts, and excises" without indicating any objects, and of course intended that the revenues derived should be applicable to the other specified powers of Congress.

A solicitude to prevent any possible danger to the validity of the debts contracted by the Confederation led the Convention to add the phrase, "to pay the debts of the United States." Then, inasmuch as this might be taken to limit the taxing power to a single object, a familiar phrase of the Articles of Confederation, "to provide for the common defense and the general welfare," was annexed, but without any purpose of giving additional power to Congress. In the new instrument as in the old this phrase was intended merely as a general and introductory statement to be qualified by the specific grants of power contained elsewhere.

Furthermore, according to Madison, not a single reference was ever made in the Convention to the general welfare clause as a grant of power, unless a proposal offered on the 25th of August should be considered as such. An amendment was introduced on that day to give Congress power to provide for payment of the public debts, "and for defraying the expenses that shall be incurred for the common defense and general welfare." The amendment was rejected, only one State voting for it. It is impossible to believe, Madison insisted, that the jealous defenders of States rights in the Convention and the advocates of a strict limitation of Federal powers should have silently permitted the introduction of a phrase nullifying the very restrictions they demanded. The only explanation that is in any degree plausible, he maintained, is that the words "common defense and general welfare" were taken for granted as harmless since they were being used in precisely the same way as in the Articles of Confederation.

Madison pointed out also that when the Constitution was submitted for ratification, a majority of the States proposed amendments to safeguard their own rights and the liberties of their people. Thirty-three were demanded by New York, twenty-six by North Carolina, twenty by Virginia, and smaller numbers by the others—all of them designed to circumscribe the powers of the Federal Government by restrictions, explanations, and prohibitions. Yet not a single one of these amendments referred to the words general welfare, which, if understood to convey a substantive power, would have been more dangerous than all of the other powers objected to combined. That the terms with any such meaning attached to them could have passed unnoticed by the State conventions, characterized as they were by strong suspicions against the whole project of a national government, was more than Madison could believe, and he did not see how anyone else could believe it.

In view of these facts of history Madison argued that only one conclusion was possible, namely, that the general welfare clause was never intended to be a grant of power. Its meaning, he insisted, must be sought in the succeeding enumeration of powers, or else the general government of this country is a government without any limits whatever. If Congress as the supreme and sole judge of that subject can apply money to the general welfare, then it may assume control over religion or education or any other object of State legislation down to the most trivial police measure. The only correct interpretation is to permit taxation for some particular purpose embraced within one of the enumerated powers and conducive to the general welfare.

If a proposal for collecting and expending Federal revenues meets these qualifications, it is constitutional; otherwise it is not. Acceptance of the opposite interpretation would destroy the import and effect of the enumeration of powers. For, he declared, it must be patent to anyone who chooses to think on the subject that there is not a single power which may not be considered as related to the common defense or the general welfare; nor a power of any consequence which does not involve, or make possible, an expenditure of money. A government, therefore, which enjoyed the right to exercise power in either one or both of these premises would not be the limited government contemplated by the fathers of the Constitution, but a consolidated government of absolute power.

When he came to the subject of protective tariffs Madison seemed to waver a bit as a strict constructionist. To be sure he always maintained that the tariff power was a necessary derivative of the authority to regulate foreign commerce, but he came perilously close at times to asserting an inherent power of the Federal Government to foster and protect the economic interests of the country. For example, he argued that the right to protect its manufacturing, commercial, and agricultural interests against discriminating policies of other countries belongs to every nation. Previous to the adoption of the Constitution this right existed in the governments of the individual States. The want of such an authority in the Central Government was deeply felt and deplored, and to supply that want was one of the chief purposes of the establishment of the new system.

If the power was not transferred, then it no longer exists anywhere; for obviously it could not now be exercised by the States. He contended that sovereign powers in the United States, although divided between the States in their united capacity and in their individual capacities, must nevertheless be equal to all the objects of government, except those prohibited for special reasons, such as duties on exports, and those inconsistent with the principles of republicanism. Why this doctrine could not also have been applied to other powers, for example the power to construct internal improvements beyond the capacity or jurisdiction of the States, is certainly not readily apparent.

On various occasions Madison submitted other arguments to justify the constitutionality of protective duties. He maintained that power over foreign commerce had been generally understood at the time the Constitution was adopted to embrace a protective authority, that it had been so applied for many years by Great Britain, "whose commercial vocabulary is the parent of ours." He alleged that as a result of this understanding of the subject, the States, many of which had already provided encouragement for manufactures, clearly intended that Congress should have authority to impose protective tariffs when they relinquished control over foreign commerce. He cited the fact that in the First Congress not a doubt was raised as to the constitutionality of protectionism although a number of protective measures were actually introduced: several by Members from Virginia in favor of coal, hemp, and beef, and one by a Member from South Carolina in favor of hemp. None of them had revenue for its primary object, and one of them would have excluded revenue altogether since it prohibited imports of the commodity named. Besides, the preamble to the tariff bill as a whole contained the express avowal that protection was an object. If any doubt on the point of constitutionality had existed, these declarations could not have failed to evoke it, Madison argued. He seemed to attach considerable importance also to the fact that the constitutionality of protectionism "had been agreed to, or at least acquiesced in," by all branches of the Government, by the States, and by the people at large, "with a few exceptions," for a period of 40 years.

Mr. ERVIN. Mr. President, will the Senator yield for several questions on this point?

Mr. ROBERTSON. I yield.

Mr. ERVIN. I ask the Senator from Virginia if the only places where the term "general welfare" appears in the Constitution are not the preamble to the Constitution and section 8 of article I?

Mr. ROBERTSON. That is correct.

Mr. ERVIN. I ask the Senator from Virginia if the preamble to the Constitution does not state in the plainest and simplest kind of English what was referred to there; namely, that the people of the United States were establishing the Constitution to promote the general welfare of the country, and not for the purpose of conferring any legislative power on the Congress?

Mr. ROBERTSON. That is what apparently everyone thought until 1937, when the Supreme Court decided the case of Helvering against Davis. The Court swept history under the rug and declared that the general welfare clause gives Congress the right to spend for anything it pleases. With this decision the Court began its campaign to cut the ground from under the 10th amendment to the Constitution.

Mr. ERVIN. After that the court made a ruling to the effect that no citizen had sufficient interest by reason of his payment of taxes to contest, in a proceeding, the constitutionality of any tax levied by the Government. They decided that in Mellon against Massachusetts. Is that correct?

Mr. ROBERTSON. In Massachusetts against Mellon the Court locked the door on the public by denying taxpayers the right to dispute the expenditure of public funds.

Mr. ERVIN. Will the Senator from Virginia tell me how anyone can reconcile the statement of the specific legislative powers vested in Congress by section 8 of article I of the Constitution with the theory that the vague term "general welfare" used in the preamble to the Constitution and in subsection 1 of section 8 of article I vested broad and indefinite powers in the Congress?

Mr. ROBERTSON. Madison clearly said:

> How absurd of us, if we intended to have a government of limited powers, and enumerated those powers, then to insert a clause that the Government could do anything it pleased provided it was for the general welfare.

Mr. ERVIN. Most of the men who drew the Constitution were men who believed in economy, were they not?

Mr. ROBERTSON. That is correct.

Mr. ERVIN. They would not have wasted all of the ink necessary to write 18 clauses if they had given Congress all the power that Congress might want to exercise by using the vague term "general welfare."

Mr. ROBERTSON. The Senator is absolutely right. We could quote at length from the proceedings of the Constitutional Convention and ratifying conventions.

The Supreme Court accepted the facts of history until President Roosevelt threatened to pack the Court. We have had a different Supreme Court ever since then, and United States against Butler, a 1936 case, is the last decision which the Supreme Court has made upholding the 10th amendment.

I return to my text.

On the 18th of August, 20 other proposals giving additional powers to Congress were referred to the Rutledge committee. Some of these were afterward adopted and became parts of the Constitution. This indicates, of course, that no substantive power to legislate for the general welfare was ever intended.

The proponents of a more centralized form of government, however, were not yet ready to yield, even though the Convention at this point had adopted the philosophy of Pinkney's original draft. On the 25th of August an attempt was made to undo what had already been agreed upon. The first clause of article VII, section 1, then read:

> The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises—

The advocates of centralization urged adding to this clause the following words—

> for the payment of said debts and for the defraying of expenses that shall be incurred for the common defense and general welfare.

This proposed amendment was rejected, Connecticut alone voting for it and 10 States against it.

On the 12th of September the Rutledge committee reported the Constitution as revised and arranged. Article I, section 8, of this draft reads in part:

> The Congress may by joint ballot appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;
>
> To pay the debts and provide for the common defense and general welfare of the United States;
>
> To borrow money—

And so forth, through the 18 powers. If this wording of article I, section 8, had prevailed, there would indeed be a general-welfare clause. But it was rejected, thanks primarily to the efforts of Gouverneur Morris and James Madison. Article I, section 8, finally emerged from the Convention on September 15, as follows:

> The Congress shall have Power—To Lay and collect Taxes, Duties, Imposts, And Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;
>
> To borrow money on the credit of the United States;
>
> To regulate Commerce—

And so forth. The words "to pay the debts and provide for the common defense and general welfare of the United States," constituting the third clause as reported in the Constitution by the Rutledge committee on September 12, were moved up into the second clause. Moreover, after the words "United States" the phrase "but all duties, imposts, and excises shall be uniform throughout the United States" was added. Article I, section 8, as finally revised, robbed the words "to pay the debts and provide for the common defense and general welfare of the United States" of any independent grant of power and made them merely descriptive of the powers subsequently enumerated.

Furthermore, there is a presumption against the grant of a general power where particular powers follow which would be included in the preceding general power.

Madison states the proposition as follows:

> For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural and common than first to use a general phrase and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning and can have no other effect than to confound and mislead is an absurdity which, (if) we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.

The 10th amendment to the Constitution should have removed any doubt as to whether the Federal Government was one of limited or general powers. Under the 10th amendment if a specific power to do a particular thing is not delegated to the United States by the Constitution, then it is reserved to the States.

The intention of our Founding Fathers is crystal clear. Unfortunately that intention has been distorted in the recent past by a Supreme Court whose decisions on occasion go beyond interpreting our Constitution in the light of those age-old guideposts: intention of the authors, literal meaning, and precedent.

On January 6, 1936, in *U.S.* v. *Butler* (297 U.S. 1, 1936), the Supreme Court declared unconstitutional the Agricultural Adjustment Act of 1933 on the ground that the power of taxation may not be used to effectuate an end which is not within the scope of the Constitution.

Mr. Justice Roberts, speaking for the majority, noted, at page 68:

> The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government. The tax, the appropriation of the funds raised, and the direction for their disbursement are but parts of the plan. They are but means to an unconstitutional end.
>
> From the accepted doctrine that the United States is a government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the States or to the people. To forestall any suggestion to the contrary, the 10th amendment was adopted. The same proposition, otherwise stated, is that powers not granted are prohibited. None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden.

Although the Court made unfortunate comments regarding the meaning of the general welfare clause, U.S. against Butler represents the last decision in which the Supreme Court, after 147 years of service to our Nation, refused to be swayed by political pressures in its interpretation of the Constitution.

It is common knowledge that shortly after this decision, President Roosevelt

made known his intention to ask the Congress for authority to pack the Supreme Court. It is to the eternal credit of the Senate that its membership voted by the overwhelming majority of 70 yeas to 20 nays to recommit the President's proposal to the Committee on the Judiciary from which it had been adversely reported.

It is apparent today that States can no longer look to the Supreme Court for the protection of their rights under the 10th amendment. Consequently, it is doubly vital that the Senate protect these rights by preserving free and full debate on the Senate floor.

Commenting on the right of the Federal Government to tax and spend in the exercise not only of its specified powers but also of its so-called power to provide for the general welfare, the Supreme Court had the following to say in *Helvering* v. *Davis* (301 U.S. 619, 1937):

> Congress may spend money in aid of the general welfare (Constitution, art. I, sec. 8). * * * There have been great statesmen in our history who have stood for other views. We will not resurrect the contest. It is now settled by decision (that is, *United States* v. *Butler*). The conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents.

The power of the Federal Government has also been increased by what Justice Story called the doctrine of resulting powers. This is that vague but inclusive power which is said to result from the very fact of the creation of the Federal Government.

Thus, both in the extension of national power by interpretation of express grants such as the extension of the commerce clause to include intrastate business and in converting limitations on Federal powers into grants of Federal judicial power over State action, there has been a manifest shift in our constitutional structure not foreseen by the framers.

The tremendous expansion and development of our Nation in the past 170 years emphasizes the necessity for a division of powers between the Federal Government and the States. The United States today includes a tremendous area and a very wide variety of soils, climates, and physical resources. This diversity was increased greatly by the admission of Alaska and Hawaii to statehood. The United States contains people of widely differing interests and abilities. Some of these variations have been diminished by improvements in transportation, communications, and education, but there are still wide differences in the characteristics of our geography, economy, and our people, not least by reason of their differing abilities and interests. In No. 10 of the Federalist, Madison gave particular emphasis to this as the source of differing interests and parties or factions as he called them. He said:

> As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results, and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

Even though the population of the United States in 1787, at the time of the Constitutional Convention, was no greater than that of Virginia today, both being approximately 3,800,000, the framers of the Constitution thought it wise to preserve a division of the Nation into 13 States of varying area and population. Nearly 4 million people could best be governed under a decentralized Federal system, instead of a single centralized authority.

A single unified government for the entire United States would not have given proper scope to the wide differences among the people and their State governments and would have been all too likely to have resulted in oppressive dictatorship. Madison, in No. 10 of the Federalist, from which I have quoted, pointed to two elements of the Federal Government which would minimize the undesirable effects of factions. These two elements were first, the Federal nature of the government, with a limited Federal Government and many powers reserved to the States and the people, and second, the representative nature of the Federal Government itself.

The representative nature of the Federal Government, finally agreed upon, gave additional protection to the variety of interests within the Nation.

In the Congress, Senators, being chosen by States, were to be primarily responsive to their States. Until the adoption of the 17th amendment in 1913, they were actually chosen by the legislatures of the States, and, therefore, represented the people of those States only indirectly. Representatives were to be chosen from the districts within States and to speak for the interests of their particular districts.

The President was to be elected by the electoral college under a system, which, as it has developed, gives particular importance to the large States. A candidate who carries New York by one vote receives a huge block of electoral votes which outweigh overwhelming losses in a number of smaller States. This system, and the developments which have occurred in party machinery in the national political conventions, have given the large States a particularly strong voice in the selection of the President.

Thus, we see that representative government in the United States is the product of forces and influences which, while they do not necessarily always conflict, do arise from basically different systems of representation.

Of course, all these Representatives should cooperate and work together, and under our two-party system, they do so in the vast majority of matters. But not in all matters. When the interests of a particular State represented by a Senator, or the interests of a particular district represented by a Member of the House, do not coincide with the views of the President or the majority of the Senators or the Representative's party, then the Senator or the Representative must carry out his responsibility to represent the interests of his State or district, in contrast to the other views presented. It is to his own system of representation that he owes his allegiance when these conflicts occur.

In this way the manifold interests of the country, or factions, are reasonably assured of an opportunity for a hearing for their point of view, an opportunity to make their views known, before legislation is enacted.

To summarize, constitutional government in the United States was framed so as to provide an effective government and at the same time to prevent this effective government from becoming so overwhelming, so oppressive, that the liberty of the individual, and his initiative and enterprise, would be obliterated. These devices include the separation of the powers of the Federal Government into the three great departments, the division of governmental powers between the Federal Government and the several State governments, and the reservation of powers to the States and to the people preserved by a continuing Senate with free debate. These devices, which are basic to our constitutional government, pose many problems, problems which may appear to be completely insoluble in theory. But the framers of the Constitution, as my quotation from James Madison shows, rose above the theories of political science and organization charts. Instead, they concerned themselves with human nature, with all its potentialities of good and evil. And the successful result of their efforts is a tribute to their wisdom and foresight.

The problems caused by the division of powers—the division between Federal and State Governments and the division between the three departments of the Federal Government—obviously raises questions which are difficult and even irreconcilable in theory. How can both the Federal Government and the State governments be sovereign? How can the executive branch, the legislative branch, and the judicial branch each be supreme and yet each be subject to the control of the others? The answers to these questions do not lie in neat and precise organization charts. The answers to these questions lie rather in the good judgment, discretion, and restraint of the officials who make the Government work and who have made the Government work.

Mr. Justice Holmes, in 1908, expressed the basic problem posed by these divisions of power, when he said:

> All rights tend to declare themselves absolute to their logical extreme. Yet all in fact are limited by the neighborhood of principles of policy which are other than those on which the particular right is founded, and which become strong enough to hold their own when a certain point is reached. The limits set to property by other public interests present themselves as a branch of what is called the police power of the State. The boundary at which the conflicting interests balance cannot be determined by any for-

mula in advance, but points in the line, or helping to establish it, are fixed by decisions that this or that concrete case falls on the nearer or farther side.

These kinds of distinctions, these kinds of practical adjustments, cannot be drawn arbitrarily. They must be drawn on the basis of specific cases, and at times on the basis of trial and error. For this reason the Founding Fathers were wise to limit the authority of the Federal judiciary to cases and controversies. We can understand principles better when they are applied to the specific facts of a specific case.

Legislators, just as much as courts and the executive branch, must bear in mind the need for mutual toleration and discretion and self-restraint. The Federal Government must also bear this need in mind with respect to State powers, and the State governments with respect to Federal powers.

Let me illustrate this need for toleration, discretion, and self-restraint by reference to two broad powers of the Federal Government. These are the money power and the war power. I have already referred to Mr. Justice Cardozo's statement regarding the virtually unlimited power to spend money in aid of the general welfare. Also involved in the money power is that which was expressly granted to the Congress in the Constitution, to coin money and regulate the value thereof. In the gold clause cases decided by the Supreme Court in 1935, and in subsequent cases in 1937 and 1939, the Supreme Court has made it entirely clear that the money powers are for all practical purposes limitless.

The war power, that virtually endless power under which all materials and facilities may be allocated in the interests of national defense, prices may be fixed and rents may be controlled, and men, materials, and land may be drafted, requisitioned, or condemned, is subject to little or no judicial review. Even in the case of President Truman's seizure of the steel mills in 1952, the action of the President was invalidated by the Supreme Court, not on the grounds that Congress could not have granted this power, but on the basis that the President was acting contrary to the decision of Congress.

Mr. Justice Jackson has expressed vividly the dangers to the Nation which arise from these great powers:

> Two of the greatest powers possessed by the political branches, which seem to me the disaster potentials in our system, are utterly beyond judicial reach. These are the war power and the money, taxing, and spending power, which is the power of inflation. The improvident use of these powers can destroy the conditions for the existence of liberty, because either can set up great currents of strife within the population which might carry constitutional forms and limitations before them. * * *
>
> No protection against these catastrophic courses can be expected from the judiciary. The people must guard against these dangers at the polls.

I deplore recent trends in the Congress to promote what is claimed to be liberalism at the expense of constitutional government. Conservatives share the aims and ambitions of liberals to promote the welfare of the individual but differ as to methods. The liberals of the 18th century have become the conservatives of the 20th century, endorsing the principle of constitutional government expressed by Thomas Jefferson when he said:

> I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people."

Referring to the 10th amendment then pending before the States. Jefferson went on:

> To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.

It seems that Jefferson felt that any broader interpretation would reduce the instrument to a single phase, that of instituting a Congress with a power to do whatever would be good for the United States; but as the Congress would be the sole judges of the good or evil, it would be a power to do whatever evil they please.

Let us, therefore, constantly keep in mind the principles on which our constitutional government has been based—the division of powers between State and Federal Governments, with final power reserved to the people and to the States, the division of powers between the three great departments of the Federal Government, and the basic principle underlying these constitutional arrangements—the conviction that the State is created by the people in order to serve the people's needs and in order to enable the people to achieve their maximum potential. If we keep these principles clearly in mind and judge all proposed policies and legislation in the light of them, acting with discretion and restraint, our constitutional government will continue to make possible in the future, as it has in the past, the greatest freedom and the greatest possibility for development, of the individual for whose benefit constitutional government is created.

We are disturbed by the threat to our freedom of the military power of the Soviet Union. We should be no less concerned by the threat to our cherished institutions by the growing number at home who believe progress will be promoted by the substitution of the welfare state for constitutional government. May our Nation never forget that in the same Bible, from which our Founding Fathers drew inspiration for the drafting of "the most wonderful work ever struck off at a given time by the brain and purpose of man," it is written:

> Remove not the ancient landmark, which thy fathers have set.

The spirit of liberty—

Said one of America's greatest Senators, Daniel Webster—

> should be bold and fearless, but it should also be cautious, sagacious, discriminating, farsighted. It should be jealous of encroachment, jealous of power, jealous of man. It should demand checks; it should seek for guards; it should insist on securities. It should fortify itself with all possible care against the assaults of ambition and passion. It should not trust the amiable weaknesses of human nature and thereby permit power to overstep its prescribed limits, even though benevolence, good intent, and patriotic purpose come along with it. It should look before and after and building on the experience of ages which are past, should labor diligently for the benefit of ages to come.

I therefore urge Members of the Senate to stand firm in opposition to any and all measures which would limit or deny our existing right to full and free debate on the Senate floor.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. GOLDWATER. Mr. President before the Senator from Virginia suggests the absence of a quorum, will he yield to me?

Mr. ROBERTSON. Mr. President, I yield the floor; and the Senator from Arizona can be recognized in his own right.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The Senator from Arizona is recognized.

Mr. ANDERSON. Mr. President, will the Senator from Arizona yield briefly to me?

Mr. GOLDWATER. I am glad to yield.

Mr. ANDERSON. There has been some question as to when the motion will be made this afternoon. We shall be glad to have a quorum call after the Senator from Arizona concludes his remarks. I hope that then I may be recognized, in order to make the motion.

Mr. GOLDWATER. I thank the Senator from New Mexico.

Mr. President, during the debate which has occurred during this first part of the session, I have not found any new arguments presented in connection with the pending subject. I have wished to make some remarks of my own on this matter.

First, I point out that a few minutes ago I found in the Washington Daily News, which is an excellent newspaper, an editorial which inspires the use of words we often hear spoken—"I wish I had said that myself." The editorial states, probably far more succinctly than I can, what I have in mind. Therefore, at the outset of my remarks I should like to read the editorial:

> THE REMAKING OF CONGRESS
>
> As has been customary every so often for more than 150 years, there is another movement in Congress to modernize this branch of the Government.
>
> "The public is losing confidence in Congress," according to Senator CLIFFORD CASE, of New Jersey.
>
> Mostly, the would-be reformers blame this on the rules of procedure, which Senator JOSEPH CLARK, of Pennsylvania, says "still reflect the political science of the 19th century."
>
> Scarcely any impartial outsider would view the present procedure as conducive to efficient or streamlined operations. Filibusters can be frustrating and ridiculous. Seniority does not always land the best man in the important places.
>
> Congress, at times, is a mess, by almost any reasonable measure.
>
> But at other times, from some views at least, it is the very model of commonsense. Those who would reform it frequently are those who simply have been unable to work their will on it.
>
> Congress can change its rules any time a majority makes up its mind to change them.

Lining up such a majority has been traditionally difficult—because every Congressman one day hopes to take advantage of the rules as they are. If he can hang around long enough, seniority will make an important man of him, too.

And if there is, indeed, a loss of public confidence in Congress, it is not so much because of archaic rules. It is because of the behavior of some Congressmen—those who go on junkets and hide the expense accounts, those who put relatives on the payroll, those who patently let their own private interests influence their legislative policies.

Congress is made up of politicians, and politicians—with some rare exceptions—normally put politics and their personal ambitions above nearly everything else. No amount of rules could change that—any more than it would change the executive branch of the Government, which is normally possessed of the same partisan traits.

Politicians are people and the man or group who finds a way to reform people generally should be the first to try out his system on Congress. And that will be the day.

Mr. President, I should like to say a few words about the present attempt to change rule XXII. I consider rule XXII to be one of the essential underpinnings of the Republic, as well as a necessary instrument for the defense of minority rights and a vital safeguard against the tyranny of an arrogant majority. At the outset, let me say that I am unalterably opposed to the current efforts to change this rule. I do not believe any change is either desirable or necessary. I do not believe this is any time to tamper with the fundamental concepts upon which our legislative process was based by the Founding Fathers. And I certainly do not believe the proponents of the movement for change have made a case worthy of consideration.

Mr. President, we are talking here about a rule deeply embedded in the process which has brought representative government in this world to its fullest flower of effectiveness and performance. We are talking here about a rule which enables the Congress to be representative of all the people—not just of simple majorities. We are talking about something fundamental to our way of life and to the assurance that our way will not be changed by a simple majority of legislators bowing to the wishes of a willful Executive. This is not something that wears out with the passage of time, like an old car or an outmoded coat. This is a rule governing the actions of men; and it is as applicable now as it was in the very beginning. Indeed, its application in a republic is as durable as the unchanging nature of man itself.

Mr. President, basic in the equation of representative government is the balance of power between the three major branches of the Federal Government: the legislative, to make laws; the executive, to administer them; and the judiciary, to test them against the great framework of the Nation.

Now patience and principle are being tested by new demands on this balance. Congresses are criticized when they resist Executive programs, not so much on the basis of why they resist but simply because they resist. The judiciary is caught in a boiling debate about whether it should judge the constitutionality of laws or whether it should also interpret them for maximum social benefit. States are criticized for their differences in approach or standards or wealth whereas they once were felt to be inviolate basically to preserve the opportunity for regional and cultural differences. Big cities, emerging as city States rather than as State units, look past the State capitol to the National Capitol for the solution of their problems. Federal regulations of trade practices has moved from the protective—which prohibits malpractices—toward the coercive—which demands conformance with practices decided administratively.

Mr. President, we are told that the United States is larger and more populous than when the Federal system of representative government was developed. We are told that old ways are not adequate and that old balances are not meaningful. Now does this mean that there is a population limit on liberty? Does it mean that when 100 million people live together they can maintain free markets and free and balanced institutions but that when 200 million people live together they must delegate their local institutions to central authority? At the root of it, there is no other explanation advanced for the movement today away from the Federal system of balanced powers toward an executive system of concentrated powers.

And the effort here going on to change rule XXII of the U.S. Senate is part and parcel of this movement away from balanced powers.

Mr. President, I know not how others might feel, but I, for one, am sick and tired and disgusted at all this nonsense we hear today about the Congress, and particularly the Senate, being out-moded and archaic and uncreative.

In a national magazine now on the newsstands, my esteemed colleague the Senator from Pennsylvania [Mr. CLARK] is quoted as saying that—

The present rules and operation of the Senate and the House are stacked against the people of the United States.

How are they stacked against the people of the United States? Because they require a two-thirds vote in the Senate to cut off debate? Because they require a two-thirds vote of either House to override a presidential veto? Because they require a two-thirds vote of the Senate to convict in cases of impeachment? When has there been a time, Mr. President, when the weight of public opinion or the worth of a piece of legislation was unable to gain approval in the U.S. Senate, which has often and with good cause been called the world's greatest deliberative body?

Mr. President, we are asked to believe that the Senate is antiquated and creaky and unequal to the challenge of the 1960's because it will not venerate a practice of rule by simple majority. If we were a mass-action democracy instead of a Republic there might be some validity in the whole argument of majority rule as a way of government. But the Founding Fathers wisely guarded against the abuses of rule by a simple majority when vast areas of the country and the interests of millions of people are at stake. A simple majority, particularly in these days of constant reaching for more and more and more power for the Executive, can become a very dangerous device. And this whole idea was not lost on the Founding Fathers. They knew the dangers of government power, and they guarded against it.

And that is what the two-thirds requirements scattered through the Constitution of the United States are all about. They are checks against power. And that is what rule XXII is today. Contrary to some belief, rule XXII is not a device designed to thwart; it is a device designed to protect against the power and tyranny of a rampant and arrogant majority.

We are told that the world is changing and, therefore, we must change the rules under which the Republic has functioned. For example, on television a couple of weeks ago, Prof. James MacGregor Burns, the President's biographer, told a panel of reporters:

The basic thing wrong with our political system is that our Government was set up to be a divided government with internal checks at a time when we did not need a strong national government. Today it is imperative that we have a strong national government, but we still have our old constitutional checks. This is the basic problem. But it is greatly intensified by the fact that Congress and especially the House of Representatives has become the least representative agency of our National Government.

As the discussion went on, it developed that Professor Burns' major complaint was the fact that Congress has stood in the way of some of the legislation proposed by President Kennedy. Jack Bell of the Associated Press—one of the panelists—summed it up when he said:

Professor, what you really want to do is abandon the system of checks and balances and have Congress subservient to the President.

Mr. President, all the change we hear about today in reference to congressional rules is strangely attuned to change that would permit the Executive to have his way on legislation. Some years ago, in a book entitled, "Why England Slept," the then student, now President, John F. Kennedy, wrote at some length about the difficulties of preserving free institutions in times of stress and strain. He concluded that despite the obvious advantages of efficiency enjoyed by a totalitarian government, the free institutions work best in the long run and must be preserved even though they might have to be sharpened or refocused in times of crisis.

Last month, speaking to a nationwide television audience, however, the President shifted his position basically. Commenting on efforts to change the makeup of the House Rules Committee, he said that a failure to do this would emasculate the administration's program. This, by clear inference, was the reason that he was giving for wanting a change in this particular legislative procedure.

While there are certain technical reservations I would take to his statement about the Rules Committee my major difference is with the President's reason.

And, again, it is a difference based upon my membership in and regard for the legislative branch of Government and my deep belief that it is this branch which most constantly, most closely makes a reality of representative Government and provides proper access to the formulation of policy. Professorial pronouncements that Congress is the least representative agency of our National Government do nothing to lessen my belief, although they do strain my understanding of how anyone whose job is the teaching of political science can reach such an obviously ridiculous conclusion.

Returning to the President's television remarks, let me say that it is a blow at the very concept of representative Government to say that a procedure of Congress should be revised in order to permit untroubled development of the program of any administration, be it Republican or Democratic. In the first place, the elected Chief Executive of the United States supposedly is representative of the entire Nation, not just the citizens who cast ballots for him on election day. To say otherwise is to suggest, in this particular instance, a disenfranchisement of almost exactly half of the population of the United States.

If the program and policies of any administration are opposed by the legislative branch it is just a sharp reminder of the fact that this is a representative government and that the direct representatives of the entire electorate are expected to do their work regardless of which party or person is in power.

Interestingly enough, spokesmen for one of the administration's programs went just as far in another direction last year. After the Senate defeated the President's social security medicare program, one of the proponents figured out—and the President echoed it at a news conference—that the Senators who voted against the bill did not represent a majority of the citizens of the United States; that is, the States they represented did not contain a majority of the electorate.

Again we have a colorful new view of representative government tailored to an administration objective. The Senate was never designated to represent equal numbers of people. Two Senators are elected from every State, despite the population. They represent the State. They represent, also, a basic part of the Federal system's great balance of powers. To discuss the Senate on a numerical basis cannot be the result of simple ignorance of the Constitution. It must be the result of a simple disagreement with or misunderstanding of the Federal system itself.

On the other hand, Mr. President, there is evidence that supporters of the administration do not hold at all with majority representation—at least not when a majority might interfere with a policy. The now-famous memorandum on anti-Communist educational efforts contained the frank statement that there could be too much public involvement with policy.

The memorandum cited foreign aid, saying that if the program were submitted to direct vote by all the people, it would probably fail. But this sensitivity to a representative government that makes it possible to balance policies between majority and minority pressures—and still accomplish wonders—does not seem to be generally applied.

Mr. President, this move to give a majority the right to cut off debate in the Senate has far-ranging implications. In its effect, it would remove one of the checks this body still enjoys against Executive domination of the Nation's policy. And this is no time to give in further to such domination. More and more today we find the legislative branch is subordinated in policy considerations and asked only to approve what executive technicians have developed. In the Congress today there is less and less opportunity to speak out for a new formulation of policy. Opportunity usually is left only to oppose.

A domestic example lies in the medicare proposal to which I referred previously. The Congress already has passed legislation establishing certain means of obtaining medical attention for elderly persons, the Kerr-Mills Act. In short, the Congress has said there is another way to reach the goal of medical care. But, because this representative expression does not please the executive branch, the Department of Health, Education, and Welfare is deliberately using its powers to stultify the Kerr-Mills procedures and thus pave the way for a new attempt to obtain congressional surrender to an executive proposal. It is not enough for representative government to agree on the goal and then work out a consensus on how to reach it. Executive emphasis in government says, instead, that the legislative branch must also agree to, accede to, the exact wording, punctuation, and the procedures of the executive plan.

In international policies it is even more pronounced. Time and again the legislative branch has sought to hammer out a broad base of policy that could guide us as a nation. Time and again, the executive branch in this and in previous administrations has moved ahead unilaterally to positions that may solve a momentary problem but beg the whole broad issue of national objective.

There is no doubt, for instance, that the consensus of the Congress is opposed not just to Soviet missiles in Cuba but also to the toleration of a Communist base there at all. Executive policy, operating behind a nearly total blackout of information regarding even the invasion prisoner negotiations, takes a different tack—offering noninvasion pledges, pinning policy to offensive weapons and not to offensive doctrine, and so forth.

Skybolt and the RS–70, the whole elimination of the manned bomber program, is one of executive engineering and too little congressional debate—and information.

The pause theory, the no-cities theory of nuclear attack are Executive decisions. They have not passed any of the tests that should be applied to major decisions in representative government. They have passed on the review only of the Executive's technicians. And these technicians, supposedly representative of the Nation as a whole, are in obvious fact representative only of a fraction of a fraction.

Mr. President, when we hear loud demands today for streamlining the procedures of Congress, for the elimination of traditional safeguards, for doing away with checks and balances which were devised some years ago—when we hear these arguments, we are hearing arguments for further enhancement of Executive power. We are hearing the voices of those who believe an all-powerful central government is the beginning and end of an all-efficient government in, as the saying goes, "these changing times." Mr. President, these are changing times. We have been living in changing times ever since the Republic was founded. We are always living in changing times. And I am not against change. I believe there is always a need to search out better methods and new devices—in Government as well as in our private lives and our private economy. But I am against changing the tried and proven process of representative government merely to gratify somebody's desire to change for the mere sake of change. And I am against throwing away a safeguard against the power of a simple majority merely to make it easier for a particular administration to jam through the Congress programs that are not in the best interest of the American people. And above all, Mr. President, I am against changing anything merely because a powerful Executive and his followers raise a false claim that the Congress of the United States is negative or smug or uncreative.

If I ever doubted it, the mere reading of the administration's spending program for 1964 would convince me beyond any question of a doubt of the great and lasting value of a negative approach to some things offered by the Executive to the legislative branch.

Mr. President, times change and Executives come and go, but this Senate and this Congress have nothing to apologize for. There has never been a time when an emergency demanded fast action that either body of Congress failed to comply. There has never been a great public demand for any piece of legislation—whether it came from the Executive or from another source—that failed to move the Congress in the direction sought. And, finally, there has never been a good and valid reason for altering the rights of the minority as protected by rule XXII—and there is not today.

I yield the floor.

ORDER OF BUSINESS

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico [Mr. ANDERSON] is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield, with the understanding that he will not lose his right to the floor, so that I may suggest the absence of a quorum?

Mr. KEFAUVER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield; and, if so, to whom?

Mr. ANDERSON. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum has been suggested; and the clerk will call the roll.

Mr. KEFAUVER. Mr. President, will the Senator withhold his suggestion?

Mr. MANSFIELD. If it is satisfactory to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Tennessee, so that the Senator may make insertions in the RECORD, without losing my right to the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

THE HOUSE-SENATE APPROPRIATIONS DISPUTE IN THE 87TH CONGRESS

Mr. KEFAUVER. Mr. President, the December 1962 issue of the American Bar Association Journal carried an article entitled "The House-Senate Appropriations Dispute in the 87th Congress" in its legislation section of which Dean Charles B. Nutting, of George Washington University Law Center, is editor in charge. This particular article was written by James C. Kirby, Jr., who, during the 87th Congress served as chief counsel to the Subcommittee on Constitutional Amendments, of which I am chairman. Mr. Kirby is now returning to Vanderbilt University in Nashville, Tenn., where he is associate professor of law.

Although I hope the appropriations controversy is over and will not return to mar the work of the 88th Congress, this was a matter which received a great deal of attention and continues to be of interest to those who are close observers of the legislative process. Mr. Kirby's article takes no position on the merits of the matter and only sets forth a narrative chronology of the events which occurred, the underlying issues involved, and the positions taken by both sides. I believe that it is fair and impartial. It should be of interest to readers of the CONGRESSIONAL RECORD, and I ask unanimous consent that it may be printed at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HOUSE-SENATE APPROPRIATIONS DISPUTE IN THE 87TH CONGRESS

(By James C. Kirby, Jr., chief counsel, Senate Judiciary Subcommittee on Constitutional Amendments)

The prolonged 2d session of the 87th Congress was marked by bitter procedural and jurisdictional disagreements between the Appropriations Committees of the Senate and the House of Representatives. Although called by some the battle of the octogenarians because it centered around the persons of the two committee chairmen, 84-year-old Senator CARL HAYDEN, Democrat, of Arizona, and 83-year-old Representative CLARENCE CANNON, Democrat, of Missouri, the controversy actually went much deeper and put in issue the constitutional prerogatives of the two Houses. The purpose of this article is only to set forth a chronology of the dispute and the positions taken by each side, not to evaluate its merits.

The first clause of section 7 of article I of the U.S. Constitution is the basis of the House of Representatives' power over the purse. It directs that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills." Although the language specifically includes only the raising of revenue, not its subsequent appropriation for Government use, both tax legislation for raising revenue and general appropriations bills authorizing expenditure of public funds have always originated in the House of Representatives in its Ways and Means Committee and Appropriations Committee, respectively.

Major appropriations bills are invariably amended by the Senate and unless the House accepts all of the Senate amendments, which is indeed rare, joint conference committees must then meet to compromise and adjust the differences of the two Houses. When a conference committee reaches agreement, its recommendations are usually accepted by both Houses as a matter of course and final passage of the bill follows. In the past, conferences on appropriations bills have traditionally met in the Senate wing of the Capitol and the ranking Senate conferee has acted as chairman. The conference chairman is usually the chairman of the particular Senate Appropriations Subcommittee which considered the bill, because of the Senate's uniform practice of appointing appropriations conferees from the subcommittee which handled the bill.

The current dispute began early in 1962 when Chairman CANNON advised Chairman HAYDEN that the House Appropriations Committee desired that conferences alternate between the House and Senate sides of the Capitol. On February 9, 1962, the Senate Appropriations Committee unanimously instructed Chairman HAYDEN to advise the House committee that it was agreeable to alternating conference locations, if the House Committee would in turn agree to half of all appropriations bills originating in the Senate. This would allow conferences to meet on the House side on bills originating in the Senate and on the Senate side on bills originating in the House. The Senate proposal also contemplated that origination of each major appropriations bill would alternate between the House and Senate from year to year.

Here the matter rested until April 10, 1962, when a conference committee on the Treasury and Post Office appropriations bill met in the rooms of the Senate Appropriations Committee in the Senate wing of the Capitol, which had been the customary meeting place for such conferences. At the conclusion of the first meeting, the House conferees insisted that the next meeting be held in the House committee's chambers on its side of the Capitol. The Senate conferees refused to depart from past practice in this respect and the conference was stalemated at this point. Senator A. WILLIS ROBERTSON, Democrat, of Virginia, who was presiding over the conference, told the Senate later that it was anticipated that the House conferees would also insist that one of their number act as chairman of the next conference meeting, but at this point no such formal demand was made by the House.

In support of their position on meeting locations, Senators pointed not only to the tradition of more than 180 years but to practical considerations which they claimed justified meeting near the Senate floor. Representatives were said to know in advance when rollcalls would be held on the floor of the House while Senators have no such foreknowledge. It was also claimed that the fact that there are four times as many House Members as Senators makes House rollcalls four times as lengthy and thus gives Representatives a correspondingly longer period of time to reach the House floor and register their vote or answer a quorum call. However, the Senate group did offer to meet in the Old Supreme Court chamber, a relatively neutral location.

The next development was on April 16 when the Senate passed H.R. 11038, the second supplemental appropriations bill, providing supplementary funds to enable various Government departments and agencies to finish the fiscal year ending June 30, 1962. The House bill, passed April 4, had provided $447,514,000 for 25 agencies and departments. The Senate amended the bill to provide $560,008,344 for 28 agencies and departments. The Senate requested a conference with the House and renewed its previous offer to alternate conference locations if it could originate half the appropriations bills. The House refused.

The deadlock continued through May and into June with no conference meetings being held and each side holding stubbornly to its position. By mid-June, no bill appropriating funds for the 1963 fiscal year had reached final passage, although several had been acted upon by both bodies. H.R. 11038, the second supplemental appropriations bill, still had not been acted upon in conference and several Government agencies had almost exhausted their funds. The Small Business Administration, which had expected to receive $85 to $90 million from this bill, disclosed that it had ceased making loans on March 9 in order to maintain a sufficient revolving fund to meet emergency requirements. State Department travel funds were being held up. On June 16, the Chief of the Secret Service asked its personnel to volunteer to work without pay in the hope, but with no legal guarantee, that they would later be reimbursed.

To meet this emergency, the House passed a special stopgap resolution (H.J. Res. 745) on June 14, containing $133 million in items from H.R. 11038, the omnibus second supplemental bill. When this resolution was received by the Senate Appropriations Committee, Chairman HAYDEN wrote to CANNON that it was the unanimous decision of the Senate committee that House Joint Resolution 745 was "inadequate to meet the pressing demands before the close of this fiscal year in the public interest." HAYDEN also pointed out that all matters included in House Joint Resolution 745 were included in the larger bill, H.R. 11038, and therefore invited the House to confer on it in the Old Supreme Court chamber. The neutral location appeared to satisfy the House demand as to conference sites, but CANNON now advanced a demand that the chairmanship of the conferences be rotated between House and Senate conferees. The Senate committee replied that it would share the chairmanship only if it could initiate half the appropriation bills. At the suggestion of House Majority Leader JOHN W. MCCORMACK, Democrat, of Massachusetts, seven Representatives of each committee met on June 18 in the Old Supreme Court chamber but were unable to resolve their differences.

CANNON had been indicating in statements to the press that one reason for the feud was economy. He was quoted as saying that the importance of presiding at conferences was that "the chairman frequently decides what the compromise will be and that puts us at a great disadvantage." He attributed the House demand to a desire to reduce appropriations. CANNON added: "Every bill we have passed for years has been increased by the Senate. They put in everything they can think of just because some Senator wants it for his State. * * * If we could preside at conferences half of the time, maybe we could cut out half of these increases." By a letter to HAYDEN on June 22, CANNON formalized this position. He pointed out that House appropriation figures

had been increased by the Senate by a total of $32 billion during the past 10 years and stated that sharing chairmanships of conferences was asked by the House committee "in the hope of remedying the situation."

The fiscal year neared a close with no appropriations bill approved and the committees still deadlocked. On June 28 the House and Senate both passed House Joint Resolution 769, a stopgap resolution providing minimal funds to continue existing activities to July 31, 1962. It permitted Government agencies to continue projects and activities carried on in the expiring fiscal year at a level of expenditure corresponding to the lowest level set by (1) the fiscal 1962 appropriation, (2) the budget request, if the fiscal 1963 bill had not been passed by the House, or (3) the more restrictive figure set by the House or Senate in passing a fiscal 1963 bill. This left in abeyance many projects which had been authorized for the new fiscal year.

Both committees then appointed teams of negotiators to confer on the overall controversy. In naming its team on July 6, 1962, the Senate Appropriations Committee adopted a resolution stating that it was "unwilling to accept unilateral alterations in the procedures which have always existed in considering appropriations bills" and that the Federal Government "should not be endangered by unreasonable demands for the surrender of the Senate to the will of the other body." At the same time, the Senate committee adopted a resolution expressing its confidence in Chairman HAYDEN and its unanimous support of the position which he had taken. (CANNON was later quoted as saying that there had never been any personal feud between himself and HAYDEN, that neither of them had anything to do with the initiation of the controversy, and that the initial demand by his committee for rotation of conference chairmanships had taken him by surprise.)

On July 9 the House Appropriations Committee named its negotiators and adopted a resolution stating that "the inequitable practice of conducting all conferences under the chairmanship of a Senator gives the Senate a disproportionate advantage, as evidenced by the fact that in the past 10 years the Senate conferees have been able to retain $22 billion out of the $32 billion in increases which the Senate added to House appropriations—a 2-to-1 ratio in favor of the body consistently advocating larger appropriations, increased spending and corresponding deficits."

This House resolution immediately produced an explosive reaction on the floor of the Senate. Senator ROBERTSON called it "the most insulting document that one body has ever sent to another" and emphatically denied the implication that the Senate was less responsible than the House in fiscal matters. He disagreed with the total increases in appropriations attributed to the Senate, and pointed out that the Senate not only considers supplemental estimates submitted by department agencies after the House has acted, but that the Senate often had requests from Members of the House (mentioning specifically the late Sam Rayburn) to add items which the House committee had rejected. He also charged that the House operated under a gag-rule procedure by which all 50 members of the Appropriations Committee agreed to resist amendments on the House floor, and that this increased the demands upon the Senate for often worthwhile amendments to appropriations bills.

ROBERTSON also defended the constitutional authority of the Senate to initiate appropriations bills and pointed out that if the two Houses shared this role equally they could be moving concurrently early in each session in the consideration of appropriations rather than requiring the Senate to await House action in every instance. He said this would result in speedier yet more careful action and avoid the accumulation of appropriations bills near the end of the fiscal year. ROBERTSON pointed out that in 1961, of the 17 appropriations bills passed, only 4 had come from the House by the end of April, and that 2 came to the Senate in May, 6 in June, 2 in July, and 3 in September.

In support of the constitutional authority of the Senate, Senator ROBERTSON relied upon an 1880 report of the House Judiciary Committee in which the majority concluded that the Senate had constitutional power to originate appropriations.

As a result of four meetings of the two teams of negotiators headed by Senator RICHARD B. RUSSELL, Democrat, of Georgia, and Representative ALBERT THOMAS, Democrat, of Texas, the two committees agreed on July 18 to a temporary solution under which to operate for the balance of the session. Under its terms, the chairmen of joint conferences would be appointed jointly by the chairmen of the respective House and Senate subcommittees handling each bill, thereby giving House Members a chance to preside over conferences. The previous agreement to meet in the Old Supreme Court chamber was not disturbed. It was also agreed that a joint subcommittee would be established to study all the issues and make recommendations by January 1963, in time for the beginning of the next Congress.

Pursuant to the truce agreement, on July 20 House and Senate conferees met in the Old Supreme Court chamber on H.R. 11038, the second supplemental appropriations bill for fiscal 1963. Representative THOMAS became the first House Member in history to preside at an appropriations conference. This resulted from the toss of a coin by agreement with Senator SPESSARD HOLLAND, Democrat, of Florida, THOMAS' counterpart as chairman of the Senate subcommittee involved.

HOLLAND was to preside at the next conference on a supplemental appropriation. The conference came to agreement after a 1-hour meeting.

In the final days of the session, conference disputes over the Department of Agriculture appropriation bill brought a new flareup over the question of the Senate's right to initiate appropriations bills and threatened to introduce a new element into the dispute. The Senate had added $28 million for farm research projects which the House had not considered. After several conference meetings failed to produce a compromise acceptable to both Houses, Senator RUSSELL reported to the Senate on October 8 that "the issue is whether the Senate has a right to amend an appropriation bill in any and every respect." He said that the House conferees had flatly refused to discuss any Senate amendment providing funds for construction of agricultural research facilities on the grounds that no such item had been included in the House bill. RUSSELL asserted the right of the Senate not only to amend, but to originate, appropriations bills and contended that if the Senate had initiated only four or five appropriations bills and begun hearings on them in January, Congress could have adjourned by August 15. RUSSELL charged that the Senate was being asked to surrender its "equal and coordinate" status with the House and said finally: "If the Senate has one ounce of self-respect, it will stay in session until Christmas * * * to establish our position as a coequal body in every respect."

In the meantime, the Senate had adopted on October 4 and sent to the House a resolution continuing Agriculture Department spending for the next year at present levels, the effect of which was to abandon hope of a new bill during the current session. In the House, this was viewed as an unconstitutional attempt by the Senate to originate an appropriations bill, and on October 10 the House resolved by a vote of 245 to 1 that the Senate's action was an "infringement on the privileges of this House" and returned the resolution without further action. Chairman CANNON and Representative JOHN TABER, Republican, of New York, led the brief debate in the House, with CANNON asserting that "the priority of the House in initiating appropriation bills is buttressed by the strongest and most impelling of rules, the rule of immemorial usage." TABER quoted passages from the Federalist referring to the exclusive power of the House to originate money bills and cited authorities to the effect that the framers of the Constitution had in mind the early practice by which bills to levy taxes and appropriate the proceeds were combined into one budget bill, and thus intended the House to originate both sorts of action.

This action caused Senator RUSSELL to accuse the House of fantastic interpretations of the Constitution and to threaten a prolonged debate if necessary to educate the other body to the clear language of the Constitution. Senator WAYNE MORSE, Democrat, of Oregon, offered to assist RUSSELL in such a constitutional debate and charged the House with attempting to turn the Senate into an American House of Lords. But on the next day, the conference deadlock over the principal Agriculture appropriation bill was broken when the House agreed to a portion of the farm research items. The Senate's original resolution became a moot item in a Congress trying desperately to complete its business and adjourn.

Nonetheless, as one of its last acts before adjourning on October 13, the Senate adopted by voice vote a resolution declaring that the Senate's past acquiescence in permitting the House first to consider appropriation bills "cannot change the clear language of the Constitution nor affect the Senate's co-equal power to originate any bill not expressly raising revenue." The resolution, introduced by Senator RUSSELL, also suggested that the controversy between the Chambers be submitted to outside review, either for declaratory judgment by a Federal appellate court or to a commission of educators specializing in the English language.

The bitterness of the final proceedings indicates that the basic differences between the House and Senate are far from resolved and that the dispute goes much deeper than the personalities of the principal participants. The January 1963 report of the Joint Committee which is studying the problem should be awaited with considerable interest.

RUTH BROOKS

Mr. KEFAUVER. Mr. President, in the past December, while the Congress was adjourned, Kingsport, Tenn., lost one of its finest citizens and best public servants, Ruth Brooks, wife of Harvey C. Brooks.

I ask unanimous consent that an editorial from the Kingsport Times in tribute to Mrs. Brooks be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A QUIET PUBLIC SERVANT

In every town there are people who devote a great deal of time to public service.

Some work in the forefront of public projects. Others work more or less behind the scenes, not wanting public recognition. Kingsport has had a generous quota of such people.

Such a person was Ruth Brooks, wife of Harvey C. Brooks. She died Tuesday.

Mrs. Brooks and her husband were among the early builders of Kingsport. But while

her husband was helping to build the economic life of the city, Mrs. Brooks joined a group of women who early set out to see to it that the cultural life of the city kept pace with its economic growth.

Today one of Kingsport's proudest boasts is its public library. But how few people know the early struggle of a small group of women to lay the foundation stones for that library?

Mrs. Brooks was one of the leaders in that movement. She spent many hours and much of her energy in this work, raising funds and interesting others in the importance of this work. Today the library stands not only as a monument to J. Fred Johnson. It is also a monument to the public spirit of a small group of women, of whom Ruth Brooks was one.

Another public service which claimed her attention was the association formed to preserve historical landmarks and antiques. The work of this organization has done a great deal to save historic sites from being obliterated. The rich history of our section has been preserved.

We could name other activities in which Mrs. Brooks engaged.

She was one who loved Kingsport and loved doing things to help the city grow in a healthy way. She enjoyed doing it. She was not one to be self-consciously doing public service. With her it was a labor of love. Everything she put her hand to, she also put her heart into. The result was of great benefit to the city and its people.

How fortunate it is for all of us that there are people like Ruth Brooks in this world. How fortunate that there are people to whom unselfish public service comes natural. They leave their little corner of the world a better place for their having lived in it.

Kingsport owes more than most know to Ruth Brooks.

AMENDMENT OF RULE XXII—CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico [Mr. ANDERSON], to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

Mr. MANSFIELD. Mr. President, I renew my suggestion of the absence of a quorum, with the understanding that the Senator from New Mexico [Mr. ANDERSON], will not lose his right to the floor thereby.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 9 Leg.]

Aiken	Ervin	McGee
Allott	Fong	McGovern
Anderson	Fulbright	McIntyre
Bartlett	Goldwater	McNamara
Bayh	Gruening	Metcalf
Beall	Hart	Miller
Bennett	Hartke	Morton
Bible	Hayden	Mundt
Boggs	Hickenlooper	Nelson
Brewster	Hill	Neuberger
Burdick	Holland	Pastore
Byrd, Va.	Hruska	Pell
Byrd, W. Va.	Humphrey	Prouty
Cannon	Inouye	Proxmire
Case	Jackson	Randolph
Clark	Johnston	Ribicoff
Cooper	Jordan, Idaho	Robertson
Cotton	Keating	Russell
Curtis	Kefauver	Saltonstall
Dodd	Kennedy	Scott
Dominick	Kuchel	Simpson
Douglas	Lausche	Smathers
Eastland	Long, Mo.	Smith
Edmondson	Magnuson	Sparkman
Ellender	Mansfield	Stennis
Engle	McCarthy	Symington
Talmadge	Williams, Del.	Young, N. Dak.
Thurmond	Yarborough	Young, Ohio

The VICE PRESIDENT. A quorum is present.

Mr. ANDERSON. Mr. President, I send a motion to the desk in writing.

The VICE PRESIDENT. The clerk will report the motion.

The legislative clerk read the motion, as follows:

I move under the Constitution that without further debate the Chair submit the pending question to the Senate for a vote.

The VICE PRESIDENT. This motion raises explicitly a constitutional question. There have been 36 previous occupants of this chair, and the Parliamentarian informs me that all of the decisions have been uniform, that the Presiding Officer does not have the authority to rule on a constitutional matter. The Chair is in full agreement with those precedents, because the Vice President cannot make a decision for 100 Senators, unless he has previously been granted the authority to make that decision.

Our Constitution leaves the rulemaking authority in the Senate itself, not in its Presiding Officer. Therefore, it would be improper for the Vice President to arrogate this authority to himself.

The proposition that has been placed before us is that under the Constitution the Senate has the right to decide the very issue contained in the motion itself.

The Chair acts under the direction of the Senate. In this instance there is no direction from the Senate until the question of constitutionality has been decided. Therefore, the Chair now submits this issue to the Senate for its decision, and will carry out the directives of the Senate as expressed by a majority vote of the Senate.

Article I, section 5, of the Constitution states:

Each House may determine the rules of its proceedings.

This the Senate can do by a majority vote. Therefore, the Chair submits the question:

Does a majority of the Senate have the right under the Constitution to terminate debate at the beginning of a session and proceed to an immediate vote on a rule change notwithstanding the provisions of the existing Senate rules?

Mr. HICKENLOOPER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. HICKENLOOPER. I should like to ask the Chair whether the Senate has, in fact, adopted rules for its proceedings.

The VICE PRESIDENT. The Parliamentarian informs the Chair that the Senate has never adopted rules for a single session except at the beginning of the First Congress, and that there have been six general revisions of the rules during the period during which the Senate has been operating.

Mr. HICKENLOOPER. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. HICKENLOOPER. Has the Senate been operating consistently since the first session under the rules adopted by the Senate, with such modifications as have been made from time to time under the existing rules of the Senate?

The VICE PRESIDENT. The Parliamentarian informs the Chair that that is a correct statement.

Mr. HICKENLOOPER. I have another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HICKENLOOPER. Is the Senate operating under any rules now; and, if so, will the Chair state under what rules the Senate is operating?

The VICE PRESIDENT. The Parliamentarian informs the Chair that the Senate is now operating under the rules as shown in the Senate Manual.

Mr. HICKENLOOPER. I have a further parliamentary question, and I hope that this is the final question.

The VICE PRESIDENT. The Senator from Iowa will state the parliamentary inquiry.

Mr. HICKENLOOPER. Under the rules as shown in the Senate Manual, is it correct to say that to change the rules of the Senate requires a two-thirds vote of the Senators present and voting?

The VICE PRESIDENT. No; only a majority vote is required to change a rule.

Mr. ANDERSON. Mr. President, this is the same story that many of us have been engaged in for a long time. We do not question in any way the right of the Senate to adopt rules. We do not question the propriety by which the Presiding Officer submits this question to the Senate for decision.

We take some comfort from the fact that many times we have been faced with this decision. It may be true, as the Senator from Iowa [Mr. HICKENLOOPER] suggested a moment ago, that there was a general revision of the rules in 1917. But there is no person who has studied the history of what happened in 1917 who fails to understand what took place.

Senator Walsh was outraged by the filibuster in the 64th Congress. He demanded at the beginning of the next session that the Senate draw rules under which it could operate. He proceeded to submit a resolution to change completely the rules of the Senate. Caucuses of both parties were held, at which it was agreed that it was not necessary to take such a drastic step. It was said that the question could be settled easily by simply changing rule XXII, which was what Senator Walsh wanted changed, and there would be no difficulty.

So an agreement was reached that rule XXII would be modified exactly in the way in which Senator Walsh wanted it to be modified.

It is very well to say that there has not been any revision of the rules; but there would have been if the Senate had allowed that question to be put to the membership. Senators were ready to vote for a change. It was only when Senators gave in and said that Senator Walsh could have that change in rule XXII that the difficulty was settled.

The question arises: Under what rule is the Senate operating? I am pleased

to hear the parliamentary ruling that the Senate is operating under the Standing Rules of the Senate, as found in the manual. This ruling differs from some of the previous rulings. A previous Vice President, Alben Barkley, of Kentucky who had had a reasonable amount of experience in the Senate, was asked that specific question in 1953, when the Senator from New Mexico first submitted a resolution to provide for the adoption of rules.

The question then arose as to what rules the Senate was operating under. The Vice President then said that the organization of the Senate is an inherent right of the Senate, as it is of any sovereign body, and that all that took place up to that day was under that inherent right.

Much was said about Vice President Barkley's theory of inherent rights. But the Senate recognized that all that he said was essentially true. A part of the process of organization is the process of selecting officers and of adopting rules. I think there was a right to proceed at that time.

All of us recognize what took place in 1959. There was another long session. There was one in 1957, too. It was a rather long session, in which there were many examples of what could take place in connection with changing the rules of the Senate. There was no opportunity for Alben Barkley to rule, because some Senators very wisely decided that that question had better be referred somewhere else. So a motion to table was made. That motion carried.

I do not think anyone doubts how Vice President Barkley would have ruled. But we know how another former Vice President ruled. We know that Vice President Nixon said, time after time, in advisory opinions, what he believed.

Let me see if I can elaborate a bit. I do not believe the able Senator from California [Mr. KUCHEL], who has just been returned to office by a majority of more than 700,000, when the Republican candidate for Governor in his State was losing by 300,000, would have been returned to the Senate by the people of California if they had believed that he was a man who wanted to destroy the Senate. I think the people of California returned the senior Senator from California to the Senate because he wants to preserve and defend the democratic processes of government.

I know also that the able senior Senator from New York [Mr. JAVITS] strongly supports this proposal. He has just submitted his case to the people of his State, and those people returned him to the Senate of the United States by a majority of approximately 1 million.

I have cited the example of two great States—California and New York. Who are we to say that the Senators from those States must have no part in the making of the rules as they are contained in the Senate Manual? They have just as much right to make the rules as did the Senators who first wrote the Senate Manual. They have just as much right to decide upon the rules under which they want to live as did Henry Clay and other Senators who have been referred to in this debate.

I have been joined in submitting the resolution by the able junior Senator from Kentucky [Mr. MORTON]. I read a great many preliminary opinions as to how the recent election would result in Kentucky. Many people thought that Senator MORTON was in deep trouble. But it was found when the election was over that he was returned to the Senate by a substantial majority. Shall he hereafter be prohibited from speaking on the floor of the Senate for things he believes are right, merely because some Senators say that Henry Clay thought differently, even though both men came from the same State? I think not.

I think we must recognize that the battle goes on and on, and every year that the rules question comes up, it comes closer to accomplishment. The last time the proposal was sent to committee in 1961, it was defeated by a vote of 51 to 49, if we count Senators who announced their positions. So the vote is becoming extremely close, and will become more and more so if this debate has to continue, because this is a problem which cannot be settled by reference to some other right.

The proceedings which have taken place today have some precedent. I trust that as we go along we will try to recall what the situation in the Senate was on the 7th day of January 1959, on the occasion of the well-remembered amendment of Senate rules at that time.

I hope it will be strictly remembered that what we are doing now—this talk, talk, talk, into a full-blown filibuster on the motion to consider a resolution—is not the pattern of what happened in 1959. We do not want some Senator to rise and say that this resolution should be referred to the Committee on Rules and Administration, because that would be assumed to be established practice. We have no established practice. We have worked one way at one time, and another way at another time; and I am happy to take the most recent practice—the most clearly adopted precedent—the practice by which a majority of the Senators now serving in this body have participated in adopting a fitting and proper recognition of the right of the Senate of the United States to determine and adopt the rules of its proceedings. That was what was done in 1959. No one can successfully challenge it. The Senate was permitted to write its rules. Why was the Senate at that time much wiser than this one? Why can we not trust the Senate in 1963 to write its rules?

What did the Senate do on January 7, 1959, and in the days that followed? The Senate permitted the oath of office to be administered to groups of recently elected Senators.

When that was finished, the Vice President recognized the majority leader, who proposed a unanimous-consent request with respect to adjournment, which was agreed to.

The list of Senators by States was then printed in the RECORD, and there was a drawing for terms of office of the two new Senators from Alaska. Then there were the customary resolutions to notify the President and the House; and the resolution that the Senate meet at 12 o'clock.

Then the majority leader, on behalf of himself and the Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. DIRKSEN], the Senator from Montana [Mr. MANSFIELD], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Hampshire [Mr. BRIDGES], submitted a resolution.

That was an interesting resolution. It resolved that subsection 2 of rule XXII of the Standing Rules of the Senate be amended in several ways, and I mention two: First, by striking out "except subsection 3 of rule XXII"; and second, by striking out "two-thirds of the Senators duly chosen and sworn" and inserting in lieu thereof "two-thirds of the Senators present and voting."

The resolution contained other provisions. One item was, in my opinion, completely unconstitutional. But the point I wish to make now and have no one overlook, ignore, or forget is that the first order of business after the proper organization of the Senate was a motion to amend the Senate rules, and particularly subsection 2 of rule XXII.

Is not that the situation this year? In this Congress? At this time? At this hour?

To be sure, the Senate had met originally on an earlier day and had sworn in its Members, but there had been an understanding that it would await the address by the President of the United States and not prejudice the position of any Senator by so doing. Hence, on Monday, January 14, after the joint session, the Senate returned to its Chamber, and the first order of business was the recognition of the senior Senator from New Mexico for the purpose of submitting a resolution to change subsection 2 of rule XXII.

Mr. President, it is not my contention that the change was identical with the type of change submitted by the majority leader in 1959. His change involved the question whether cloture might be established by two-thirds of the Senators duly elected to the Senate or by two-thirds of the Senators present and voting. My amendment, identical as to the subsection it sought to reach, proposed to change the two-thirds of Senators present and voting to three-fifths of the Senators present and voting. I can see no basis on which any Senator can contend that a complete, total, and sweeping precedent has not been established by virtue of the fact that my amendment would deal with the same subsection of the same rule and almost with the very words which were involved in the resolution submitted by the majority leader in 1959.

But I call attention to this difference. In that instance, as appears in the CONGRESSIONAL RECORD, volume 105, part 1, page 103, the then majority leader, after some discussion with the then Vice President concerning what was proper and what was not proper, said:

Mr. JOHNSON of Texas. Then, Mr. President, I move that the Senate proceed to the consideration of Senate Resolution No. 5.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas. [Putting the question.]

The motion was agreed to.

Has there been any difference this year? Oh, yes. This year certain Senators have decided that the Senate cannot even vote on that question.

Some Senators opposed the motion of the Senator from Texas, but recognized his right to have it considered by the Senate.

Here we are now, weeks after this session convened; yet we have not even gotten close to having a vote taken on this matter or to having the Senate proceed to consider it.

The other day the Senator from Minnesota pointed out that he was ready to vote. I assured him that I was ready to vote, too. The Senator from West Virginia [Mr. RANDOLPH] said that he, too, was ready to vote. I found that a great many other Senators were ready to vote. But they could not vote. Why not? Because the minority chooses to take the position that the majority shall not vote. That must be the situation, for if the Senators who wish to prevent a vote were in the majority, they would have long since submitted the question to a vote. But they do not want a vote to be taken on it now.

All Senators remember the way the Senate acted 4 years ago. But today we see the attempt to establish such opposition and delay as a practice. What would such a practice lead to? It would lead to a situation in which, whenever the majority leader moved that the Senate take up any bill—whether an appropriation bill or one of the rivers and harbors bills, bills which are so dear to the hearts of many Senators—there would be 3 weeks of debate; and 3 weeks after the motion was made, we would still be delayed by remarks of Senators about what Jefferson, Madison, Washington, and others thought. Such speeches would be made day after day. If that happens, Mr. President, how long will the Senate stand as a great institution? The other day it was said, in a speech made by one Senator, that those of us who favor this resolution want to tear down the Senate. But, Mr. President, I submit that those who want to tear down the Senate are those who wish to prevent the Senate from voting.

Constant efforts are made to allow all the people in certain States to vote. But, Mr. President, how long is the Senate to be prevented from voting on this matter? I am ready to vote; the Senator from Minnesota [Mr. HUMPHREY] is ready to vote; the Senator from West Virginia [Mr. RANDOLPH] is ready to vote; the Senator from New York [Mr. JAVITS] is ready to vote; the Senator from California [Mr. KUCHEL] is ready to vote. So why does not the Senate vote? It does not vote because some Senators take the position that they are not sure what the votes of Senators will be; so they wish to have the Senate wait a few days in the hope that some Senators will get tired out.

Mr. President, I could read on and on. However, I should like to take the time to read the advisory opinions of the Vice President in 1959. They are extremely interesting. Not all Senators agreed with them or with what was proposed; but the Vice President continued to point out that whenever there was a rule which constantly denied the right to vote, at the beginning of a session, on the rules of the Senate, he thought that was unconstitutional, and that it should be submitted to the Senate.

Mr. President, has the situation been changed any? A debate in connection with this matter occurred in 1961. Some Senators said, "This question was settled in 1959; so Senators cannot raise the question now, because the change which was made in the rule included a provision that 'The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.'"

Because of the inclusion of that section of the rule, some Senators now allege that it is improper for any Senator who voted in favor of that change in the rule to urge now that it is unconstitutional. However, Mr. President, many Senators then had strong objections to it and to its constitutionality. But it was submitted to Vice President Nixon and he gave certain advisory rulings. He said:

> The Chair has indicated his opinion that at the beginning of each new Congress a majority of the Members of the Senate have the constitutional right to determine the rules under which the Senate will be guided. Once that decision is made, or once the Senate proceeds to conduct business under rules adopted in previous Congresses, those rules will then be in effect.

That is the entire story. Once the decision is made, once the rules actually are changed at the beginning of a Congress, then at that time they can contain a provision which requires a two-thirds vote. But that provision cannot stand at the beginning of a session if it prevents the Senate from adopting an altered rule.

That is why I hope there will be submitted to the Senate, and that the Senate will vote on, the question of whether it believes in the Constitution, or whether it believes in some procedure of the Senate which happens to be unconstitutional.

It is perfectly proper for a Senator to say, "I believe in unconstitutional things; and I do not want the Constitution to apply, and I do not want new Senators to have the right to express themselves on these matters." A Senator can ask, "What right does the Senator from Indiana [Mr. BAYH] have to express an opinion on the rules? He is just a new Member of the Senate. What right does he have to speak on this question?"

I think he has a right to say a great deal about it, just as all other new Senators have such a right, in my opinion. Therefore, I think they should have an opportunity to say what they believe, and I believe they should be given a chance to pass upon this rule.

I do not enjoy taking on this burden time after time and year after year. I would much rather sit back and say, "Let the Senate adopt any rules which Senators want the Senate to adopt; we shall get along somehow."

But I believe that at the last session, the business of the Senate was dragged late into the fall because the Senate did not have a rule which adequately took care of the situations here on the floor. I believe that results in delay and delay, again and again and again; and I believe that unless the Senate takes action in this field, its standing and its reputation will be reduced.

I think the Senate is the greatest deliberative body in the world. I want it to continue as such. I do not want the Senate to continue to spend the first weeks of each session in arguing about some question of this sort and in having Senators discuss what Madison or Jefferson or Washington said. After all, the best studies I have been able to find do not show that Washington ever had in mind anything similar to the situation which now confronts us. After all, what would he care about a cloture petition or a cloture rule, because at that time it was only necessary to move the previous question.

Mr. President, the only real question here is whether Senators wish to have the rule changed in such a way that a majority or three-fifths can work its will, and whether Senators want rules under which the Senate will have a right to adopt its own rules.

As long ago as 1953, my resolution on this subject was submitted. Some Senators said, "It is no good to consider it now. It should be sent to the Rules Committee, and then great things will happen."

We know what happened. Senator Jenner, of Indiana, said he was pledged to report a resolution which he believed to be better, and he did report one. I believe he was not in the majority; I believe a majority overruled him. But I am not sure as to that.

But then it came to the floor. Every Senator knows what happened at that time. It never was taken up, because Senators said, "If it is brought up, there will be a filibuster; and we do not have time for that, because there is much important work to be done."

In 1955 there was the same story. We were told, "Just send it to the committee, and then see what will happen."

In 1959 we got a small change in the rule; but that was the first ray of sunshine we had because it established—as an absolute precedent, I think—that the Senate has a right to change its rules at the beginning of a session, whether some Senators like them or not. That was done, and it did create a precedent. It amended the very rule I seek to amend. Therefore, everything that happened then is germane now.

But in 1961 it came up again; and in went a proposal to change the rule. What happened? We found that our two very able leaders—and both of them are fine, high-type men and fine citizens and great Senators—said, "Let this go to the Rules Committee. We can guarantee you certain things, if it goes there."

It went to the Rules Committee. But was action ever taken on it? It went to the deep freeze—and so will every rule that is sent there.

Mr. President, there is no use fooling ourselves about this matter. Only one

vote will be meaningful, and it will be the vote on the question of whether Senators want to change the rules at the beginning of the session. Anything else that is done will be merely whitewashing. The only vote that will count will be the vote on this resolution, if it is taken now, not weeks from now.

I hope Senators will recognize that the responsibility is now on them to decide whether they want the Senate to adopt a rule that will be meaningful, or whether they want the Senate to continue under a rule which is such that when an effort is made to bring up a bill in the Senate, if there is objection, it can touch off a filibuster.

There should be a rule which will make it possible for the voice of the Senate to be spoken fearlessly on any question before it.

Mr. SALTONSTALL. Mr. President, will the Senator from New Mexico yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Massachusetts.

Mr. ANDERSON. Mr. President, I shall not yield very much; but I am happy to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I appreciate the courtesy of the Senator from New Mexico in yielding to me. As I understand the position of the Senator from New Mexico, it is that any Senate rule can be amended at the start of a new session without such rule being referred to a committee, even though all the remaining Senate rules continue in effect. But if such proposal is delayed beyond the first day of the session, any proposed amendment to the rules must be referred to the Committee on Rules and Administration and be reported back and then acted upon.

Mr. ANDERSON. I do not say that the proposed amendment must be referred to the committee. It ought to go to the committee. What I say is what the Senator from Massachusetts has also said; namely, that if the Senate acts at the beginning of a session, the proposed change does not have to be referred to a committee.

Why do I make that statement? In 1959, by the great majority that has been discussed, 77 to 22, a change in rule II was effected. At that time no Senator even suggested that the proposal be referred to the Committee on Rules and Administration.

Ask some of the great defenders of other procedures what was done in 1959 about referring the proposed amendment to the Committee on Rules and Administration. I shall not go into the particular questions involved at that time. Everyone knows that we love the Presiding Officer. We were very happy to work along with him. He has always been a trusted and true servant. We have no question about him. I say only that when the proposal was made, even though it involved a change in rule XXII, and even though the change related to subsection 2 of rule XXII, the proposed change was allowed to come before the Senate by unanimous consent.

Not a Senator that I know of—and I have read the RECORD again—rose and said, "I move that the proposed amendment be referred to the Committee on Rules and Administration." Senators were well satisfied to dispose of the question in the Senate. It was only at a later date that we got into trouble over the question.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. SALTONSTALL. As I see it, the Senate acts through committee procedures, and after careful thought, consideration, and hearings before committees. In this instance, and only in this instance, the Senate would act, if the proposal of the Senator from New Mexico were sustained, without going to a committee, but in the first instance on the floor of the Senate.

Mr. ANDERSON. Yes. Four years ago the Senator from Massachusetts voted in exactly the same way on a proposed rules change. At that time there was no reference to a committee.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. KEATING. First, I wish to congratulate and commend the distinguished senior Senator from New Mexico on the fine presentation he has made, and the excellent leadership which he has afforded in the effort to bring this issue to a vote. I am very happy to be enlisted under his banner in that effort.

In the light of the fact that the Vice President has now submitted the motion of the Senator from New Mexico to the Senate, I should like to renew a part of the parliamentary inquiries which I addressed to the Chair earlier today.

Mr. ANDERSON. Mr. President, I yield the floor.

The VICE PRESIDENT. The Senator from New Mexico yields the floor.

Mr. KEATING. Mr. President, it is now apparent that these questions are not academic or hypothetical since the issue has been submitted to the Senate. I take it that it is the opinion of the Chair that the submission is debatable in the Senate.

The VICE PRESIDENT. That should be apparent to all Senators. The Senator from New Mexico has already discussed the question. The Senator from New York is now discussing it.

Mr. KEATING. I am discussing a parliamentary inquiry.

The VICE PRESIDENT. Obviously the question is debatable or the Chair would not have recognized the Senator.

Mr. KEATING. I assume that is so. That is preliminary to my next question. If during the debate on the motion it were to appear to the Chair that dilatory tactics are being employed to prevent the Senate from reaching a decision, would the Chair have the power to rescind the submission and render a ruling on the motion?

The VICE PRESIDENT. Will the distinguished Senator from New York indicate to the Chair what rule the Senator has in mind under which the Chair might have such a power

Mr. KEATING. Perhaps I should address a parliamentary inquiry ahead of that one. I recognize that the Chair, under the precedents, has submitted the question to the Senate. Would the Chair have the power, as opposed to practice, to rule on the question without submitting it to the Senate but subject of course to an appeal to the Senate?

The VICE PRESIDENT. Does the Senator have any particular rule in mind that might confer such authority on the Chair?

Mr. KEATING. The rules which prescribe the powers of the Presiding Officer.

The VICE PRESIDENT. If the Senator will cite the rule, the Chair will be glad to consider it and follow the Senator very closely on the point he is attempting to make. If there is a rule that gives the Presiding Officer authority to stop Senators from debating for any reason, the Chair——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. Mr. President, I shall be happy to yield in a moment. Does the Presiding Officer feel that under the Constitution, under which the motion is made, the Chair would have the power, if convinced that an effort were being made to prevent the Senate from acting, to rule on the motion in the first instance?

The VICE PRESIDENT. Then the Senator relies on the Constitution to give the Chair the authority to stop Senators from debating? Is that the point of the Senator from New York?

Mr. KEATING. The Senator's point is that while the Senator from New York has no quarrel with the decision to submit this motion to the Senate under the precedents which have been cited by the Chair, I am interested in learning whether there is any way to bring the motion to a vote.

The VICE PRESIDENT. As the Chair understood the Senator, he felt that under the Constitution the Chair had certain authority that would permit him to exercise authority to stop debate. If the Chair obtained that authority from the Constitution, and a constitutional question were raised, the Chair would be required to do what the Chair has done. The Chair has submitted the question to the Senate. Since 1803 every Presiding Officer of the Senate has held that constitutional questions must be submitted to the Senate. If the Senator is relying on a rule conferring power upon the Presiding Officer to stop debate except in a case in which cloture has been voted, a motion to table, to recess, or to adjourn is agreed to, or in an instance in which a Senator violates a rule, the Chair has the authority conferred by rule. If there is some provision of the rule that the Chair does not have in mind that the Senator has in mind, the Chair would like to have the Senator cite it. If a motion is made not under the rule, but under the Constitution, the Chair points out that the Chair has already ruled that he must submit the question to the Senate to decide what the Constitution means.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. Mr. President, it appears to me that what the distinguished Senator from New York is seeking to do is to get an affirmative reply to the question which he has raised. If the reply were in the affirmative, it would in effect mean that the Vice President, who is a member of the executive branch of the Government, could at his discretion become a dictator over the Senate. I certainly hope that the answer will be in the negative, because there is a sharp and distinct line which ought to be adhered to.

The VICE PRESIDENT. The Chair would like to pursue the question a little further. The Senator from New York is relying on the Constitution. The Chair would like to have him give a citation, if he can, of any language in the Constitution that the Chair could rely upon to support a decision that could stop debate.

Mr. KEATING. Mr. President, no one is more concerned about encroachments by the executive upon the province of the legislative branch than the junior Senator from New York. The effect of the ruling which the junior Senator from New York is now seeking would in no respect have such a result as has been indicated by our distinguished majority leader.

Mr. MANSFIELD. Mr. President, will the Senator yield, to clear up the question?

Mr. KEATING. I yield.

Mr. MANSFIELD. As I understand the situation, the Senator asked the Vice President, who is now presiding, the question: If the use of dilatory tactics took place, could the Vice President, in effect, terminate the debate and make a decision on that basis? I think that would be clearly infringing the rights of the Senate, and I think that the Vice President—I repeat, a member of the executive branch, primarily—does not, should not, and must not have that authority.

Mr. KEATING. Mr. President, the Vice President is the Presiding Officer in the Senate. One of his important functions, one which he has frequently exercised, is to give guidance by way of parliamentary advice to the Members of this body.

Mr. President, it seems obvious to me we have reached the point in these proceedings when this body needs advice as to how it can terminate this long drawn-out controversy as to whether we are going to debate the merits of an issue.

Perhaps I have not phrased the inquiry clearly. I am simply asking the Vice President whether he knows of any way whereby the debate on this submission can be terminated so long as there are any Senators who wish to speak on this subject?

The VICE PRESIDENT. Yes. The Vice President will say, first, it could be terminated by a majority vote; second, it could be terminated by a motion to table; third, it could be terminated by an agreement among the Senators; fourth, it could be terminated in accordance with the cloture rule, rule XXII.

Mr. KEATING. If the Presiding Officer feels it could be terminated by a majority of the Senators, I should like to address the inquiry to the Presiding Officer as to how the majority of the Senators can get one vote on the subject? Is there any guidance the Vice President can give us on this?

The VICE PRESIDENT. The Parliamentarian informs the Chair that that is a matter which the 100 Senators have within their control, and which is not within the control of the Chair. The Chair does not determine the rules of the proceedings of the Senate.

Mr. HART. Mr. President, we cannot hear the Presiding Officer.

The VICE PRESIDENT. The Parliamentarian informs the Chair that what the Senators do to get a decision is a matter for the Senators to determine. The Vice President cannot tell even one Senator how to make up his mind or when to make it up or what decision he should reach. That is a matter for each Senator. If the Vice President cannot do it for one Senator, he cannot do it collectively.

Mr. KEATING. Mr. President, to date the 100 Senators have not been singularly successful in bringing this issue to a vote. My purpose in rising at this time was to address an inquiry to the Presiding Officer as to a method whereby these 100 Senators could bring this matter to a vote.

The VICE PRESIDENT. As anxious as is the Vice President to be helpful, he cannot make a rule for the Senate that the Senate has not made for itself. The Constitution very clearly lodges the rule-making power in the Senate itself, not in the Vice President.

Mr. KEATING. Is it the ruling of the Presiding Officer that there is no inherent power vested in the Vice President as Presiding Officer under the Constitution or under the rules under which dilatory tactics can be curbed?

The VICE PRESIDENT. The Vice President has certain powers described in the rules of the Senate and prescribed by the precedents of the Senate, and functions of his office are prescribed by the Constitution; but the Vice President is not familiar with any rule of the Senate or any provision of the Constitution which gives him power to determine when he thinks the Senate has talked long enough, or when any Senator has talked long enough. That is a matter which is determined by the Senators themselves.

Mr. KEATING. I thank the Presiding Officer. I would only add this, in pursuance of what the distinguished Senator from New Mexico has said; it is my earnest hope that this matter can be put to a vote promptly and that this submission will bring the matter to a head.

A Congress which can be paralyzed by dilatory tactics cannot claim to be a reliable instrument for determining national policies.

A Congress which can be stymied by the verbal onslaughts of an organized minority cannot assert the initiative for creative solutions to the vital problems affecting the welfare and security of the United States.

A Congress which requires more than a week's discussion to decide whether it will take up a subject will have precious little time left for intelligent debate on the merits of the major issues which must be considered during every legislative session.

Grave apprehension has been expressed in the past about alleged space gaps, deterrence, gaps, and bomber gaps. It is time more of us spoke out against a legislative gap which threatens to completely undermine the faith and confidence of the American people in one of the most vital institutions of their Government—I am referring to the gap between the epochal challenges facing Congress and the creaking legislative machinery for meeting them.

The existence of a legislative gap is apparent and I believe that its causes can be pinpointed.

It is the result of many decades of acquiescence in rules and practices which defy every principle of representative government.

It is the result of a fiction which treats filibusters as a species of debate. Filibusters are a repudiation of debate, a form of vocal violence which is resorted to when the process of debate is abandoned. It demeans the whole function and purpose of debate to confuse it with the antics of a filibuster.

The legislative gap is the result of a distortion of the meaning of minority rights. The minority has rights, many of which are immutably preserved in the equal representation of the States in the Senate, the guarantees of the Bill of Rights, and in other provisions of the fundamental law. The rights of some minorities have been enlarged by the sectional dominance of the committees of Congress and the inordinate power of particular Representatives and Senators. At the same time, the rights of other minorities have been abridged by the failure of Congress to implement the Constitutional promise of equal protection. But no minority can claim the right to rule or ruin. A majority may sometimes be wrong, but so may a minority and under the Constitution it is the majority which is given the power to legislate, to declare war, to confirm nominations and—in the context of this debate—to determine the rules of the Senate.

The VICE PRESIDENT. The Chair would like to complete the record by saying, in direct response to what the Senator has said, that the Senator has cited no authority in either the Senate rules or the Constitution; and, so far as the Chair and the Parliamentarians are aware, there is no inherent power to make Senate rules; that is a matter for the Senators themselves.

The Chair might further add that he is not in disagreement in any way with the statement made by the late Vice President Barkley, who was a Senator from Kentucky, quoted earlier today. That statement was made by the Vice President not in response to an inquiry. Vice President Barkley said:

> The organization of the Senate is an inherent right of the Senate, as it is of any sovereign body, and all that has taken place up to date has been under that inherent right.

The Chair agrees with that. The Parliamentarians agree with it. There is no difference.

The question now is that the Senator from New Mexico has made a constitutional point. Since 1803, when a question of constitutionality has been raised in the Senate the Senate itself has had to decide what the Constitution says. The question is on the motion of the Senator from New Mexico that a majority of the Senate has a right to terminate debate at the beginning of a session and to proceed to an immediate vote on a rule change, notwithstanding the provision of the Senate rule; and that is a question for the Senate itself to decide. How it decides it, when it decides it, or what it decides, is entirely a matter for the Senate and not the Presiding Officer.

Mr. RUSSELL rose.

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, the other day, when this matter was under discussion, I took occasion to observe that this was the most unusual and remarkable procedure I had ever seen.

Mr. President, I ask that the motion filed at the desk by the Senator from New Mexico now be read.

The VICE PRESIDENT. Without objection, the clerk will state the motion of the Senator from New Mexico.

The Chief Clerk read the motion, as follows:

> Mr. President, I move under the Constitution that without further debate the Chair submit the pending question to the Senate for a vote.

Mr. RUSSELL. Mr. President, here we have a motion that is filed, demanding that the Chair, without further debate, submit a resolution to the Senate, and then the author of the resolution, himself, proceeds to deliver a rather lengthy homily as to the merits of the resolution. He is succeeded by another proponent of this gag rule, the Senator from New York. So while the resolution says, "I move it be decided without debate," the proponents take occasion to make two speeches after it is submitted.

That shows what trouble we get into here when we go to fooling around with the rules and trying to take shortcuts wherein a majority is not willing to accord any rights to the minority.

Mr. President, the rules in this body are not written for the majority. A majority does not need rules in any parliamentary body. They have the naked power to impose their will on a minority. The rules of parliamentary bodies, particularly the rules of the U.S. Senate, are written to protect the minority, even though it may be a minority of one Senator when he undertakes to defend the rights of his people.

This procedure is typical of what we have encountered since the matter was first introduced:

> "We want to conclude it without further debate. Then I will make a speech in behalf of my resolution." "We want to vote now." "I want to vote."

The Senator from New York wants to vote. The Senator from Minnesota observed the other day that he was ready to vote. All this would be done without the other Members of the Senate having the same privilege to express their views, under this remarkable, backhanded, previous-question motion that the author now makes.

I can see why the Senator did not undertake to apply the previous question rule of the House, because he could not have made a speech on it. I do not know that it would have been any more violative of the rules to say, "Mr. President, I move the previous question. Now I demand that I be recognized to speak to the previous question." It would have been just as logical as to proceed to say, "I want to vote here."

Those who cry, "Vote, vote, vote," speak at length on the matter which would deny the minority here—and I am not too sure it is a minority when the full Senate is present—the same right that they arrogate to themselves in making statements with regard to this very vital question.

Mr. President, I repeat, a majority needs no rules. It is the minority whom the rules of the Senate were written to protect.

It is bad enough to make suggestions that a majority of the Senate, 51 Senators, can gag the other 49 and in effect deny them their rights as Senators to speak, but the most remarkable suggestion which has been made in my time here was the implication of the distinguished Senator from New York that the Vice President, the Presiding Officer of the Senate, had some omnipotent, dictatorlike power to tell Senators to "Sit down; we are going to vote now. I am tired of hearing all this debate. Clerk, call the roll. Senators, you will now vote."

I have never heard of a procedure so violative of every facet of a democracy, of free institutions, of our free government, as to imply that the Vice President of the United States has any right or power to tell Senators when debate shall end and a vote taken.

Mr. President, the Speaker of the House of Representatives is chosen from among the Members of that body. He is not brought to that body on a national ticket. But the Speaker has no such power as is suggested here. Even with the previous question rule in the House, one has to move the previous question and the House has to vote on it. We now have the inferrence that the Vice President of the United States ought to have some inherent power to muzzle the whole Senate, all 100 Senators, because if he can muzzle 6 or 10 Senators, he certainly has the inherent power to muzzle 100.

Mr. President, there is something in me that just rebels when people go around talking about vast inherent powers in this day and time in this land of ours.

Make no mistake about it, when the great civilization that we enjoy shall finally crumble and fall—and God forbid that it ever shall, but if it does—one of the contributing factors will be the extension further and further of what is called inherent power. I care not whether it be the President of the United States or the Vice President of the United States or any other public official—when we go to talking about inherent power, every theory of our government is being negated. Ours is supposed to be a government of laws, not of men. No one man can stand up, whether he is in the White House, or on the podium in the Senate, under law or in a rightful manner, and deny the people's representatives, or the people themselves, any of the rights that are theirs.

You had better beware of inherent power, my colleagues, in this instance, or in any instance. This is supposed to be a government of law. When we shirk our responsibilities, when we flee from our duty, and say there is inherent power vested in the Vice President of the United States, in the Secretary of the Treasury, in the Secretary of Defense, in the Attorney General, or any other individual, we are digging the grave of our system of government.

With all due deference to my distinguished opponents who have here so derided such men as Washington, Jefferson, and others, as being outmoded and belonging to another era; and to those who say we do not need any Congress, that it is worn out, that it is threadbare, I must say the Senator from Georgia, as a Jefferson Democrat, still believes in the saying of Thomas Jefferson that:

> In questions of power, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution.

I always shudder when I hear men say we are going to make revolutionary changes in our form of government, and the only basis for it is inherent power—not an act of the Congress, not a law that has been passed and duly signed, but this nebulous, imaginary, elusive thing that they call inherent power.

I have such a high regard for the Senator from New York. He is one of the last men I would have ever thought would have come into this Chamber and thought there was inherent power in the Vice President to silence the Senate. It is not there, any more than the Senator can find any justification for it in the Constitution of the United States. The Constitution of the United States, when it talks about the rules, does not say anything about the majority putting a halter upon a minority and gagging them. How can one say that, under the Constitution, without further debate, we will proceed to a vote? I defy anyone to show me anything in the Constitution on that subject. There is just one line in the Constitution applying to this matter; namely, that each House may determine the rules of its procedures.

Who would have ever thought it would be suggested that the Vice President has the power to tell Senators to sit down and tell them they cannot speak on any resolution of this kind? That is in complete derogation of our rules.

There are many ways in which the Senate can bring this question to a vote. However, our opponents do not want to utilize any of those methods. Someone was caught by the fancy of this shortcut earlier in the session, and this question has been raised.

Vice President Nixon did write a long advisory opinion, which he read. It was an able advisory opinion. It showed a knowledge of parliamentary law that Vice President Nixon did not demonstrate on all other occasions. It was a well-written, long advisory opinion. He did say that in his opinion the rules could be changed at the first of the session. He did not say exactly how. I know he did not claim any right himself to silence the Senate. I do not believe that he asserted that any motion of this kind could be submitted, which in effect stated that the Senate could, under the Constitution, without further debate, vote on this question.

No, Mr. President, we cannot distort the mantle of the Constitution in any such fashion as that. The Constitution is not written for the majority of this country. Anyone who has the slightest knowledge of our Government knows that is true. The majority did not need a Constitution at that time. The Constitution was written to protect the rights of the minority and the individual citizen, not of any majority. Yet here our opponents come and say that under the guise of the Constitution, under the guise of protecting the minority and the individual citizen, we will perpetrate this rape of the Senate rules, and have a majority gag the rest of the Senate.

I say to the Senate that there could not be any greater illustration of what will befall Senators here who are in the minority if this tendency is followed. They have seen what has occurred. There is no fairer picture that could be drawn for them of what will happen in the future if they accept any such philosophy as has been advanced that anyone who finds himself in the minority can be gagged. This can happen to them if they are ever in the minority. They will be gagged, if they are not also hanged and quartered at the same time, if they express an opinion which is contrary to what happens to be the opinion held by a transient majority of the Senate.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Georgia if he knows of any provision in the Constitution which speaks about speech except this provision in the first amendment:

> Congress shall make no law * * * abridging the freedom of speech.

Mr. RUSSELL. That is correct. That refers to the speech of someone in the minority who wants to speak, not to those of the majority who are going to oppose him, according to the construction of the rules of the Senate by those who are seeking this transformation of the rules.

I ask my colleagues in the Senate to bear in mind that someday they will be in the minority on some issue. They will not always ride along all the way with the administration on every bill, any more than they will oppose the administration on every bill. At one time or another they will be in a minority. That will happen on some occasion. On such an occasion they will wish that they had a right to express their opinions and explain their positions. Then someone in the Senate will undoubtedly rise and say, "I am ready to vote. I see that the Senator from Minnesota says he is ready to vote. I see that the Senator from New York is ready to vote. Why can't we vote? That is what we are sent to the Senate to do, to vote, even if it involves lynching the rights of 49 other Senators. String them up. Hang them. We must vote. Let's vote now."

That is what they will encounter. That is what will come from following this phantom. That is the situation in which they will find themselves if they heed any such suggestion as has been made here, even if it should be supported by some great political pressures.

The Senator from New Mexico, in the course of his speech, after he had submitted the resolution to be voted on without further debate, spoke at some length about what transpired when the present cloture rule was adopted. He said Senator Walsh had terrified the leadership of both parties, and they immediately rushed that rule through. That just does not happen to jibe with the facts. I served for some time with Senator Walsh. He was one of the great and outstanding Senators of all the history of this body. Senator Walsh had been through the so-called ship arming filibuster, which had taken place the year before. The President of the United States, President Wilson, who had theretofore been a strong believer in free speech, had spoken in indignant terms about the leadership, and the leadership of the Democratic Party was in favor of some form of drastic change in spite of a small and determined minority. However, they did not do that on the floor of the Senate. I have not had reference to the records in 15 or 20 years, but I did read them at one time, and I am certain that they appointed a special committee to consider the question. That committee, after consideration, brought back cloture rule XXII. It was adopted by the Senate with very few dissenting votes, largely because we were engaged in war at that time, and because everyone realized the importance of the Senate being able to function in time of war.

Reference was made here to the six general revisions of the rule. I should like to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Were not all six of the general revisions of the rule the product of committe work and committee study and committee report to the Senate? I do not know whether that is a proper parliamentary inquiry.

The VICE PRESIDENT. The Parliamentarian, who has served in the Senate for 58 years, states that to the best of his knowledge, in each and every instance a committee was appointed to study, investigate, and make a report.

Mr. RUSSELL. That confirms my recollection. I have not had occasion to look into this matter for some 15 or 20 years. I do know that I went into it, and I do remember that every time a general revision was made a committee had been appointed to consider it. That is something that we are being denied in this case.

Why are the opponents afraid of the committees of the Senate? The Committee on Rules and Administration of the Senate is presided over by the distinguished majority leader. No fairer, braver, more courageous man has ever sat in the Senate. I regretted to read that he has spoken kindly of the three-fifths suggestion. That does not in any way minimize my esteem for him.

He rose to true heights of greatness a few moments ago when he rose on the floor of the Senate and said that he protested against any idea that the Vice President of the United States, even though of his party and his friend, should have the power to silence his voice and to gavel him into his seat under any idea of the Vice President's inherent power. It gives me new hope that America will be able to escape the thing that has wrecked all of the great civilizations of the past, and that is the concentration of so much power in one hand that it leads to a dictatorship. As long as we have a Mansfield making that kind of statement we will be able to avoid any dictatorship in this land of ours.

Mr. President, I do not desire to labor the question. I merely say that this motion finds absolutely no basis in the rules or the precedents of the Senate; that it flies in the face and in the teeth of every rule and every precedent of the Senate. No one knows that better than do some of the Senators who are present.

I am very much interested in the Senators who have just become Members of the Senate and have taken the oath of office this year. I have not met all of them; but I have not yet seen one who I thought needed a guardian. Most of them defeated very strong opposition at home. Yet it seems that some Senators believe it is necessary to appoint guardians for them. It is said that the new Senators, as they are called—the most recent additions to our body—have had no opportunity to pass upon the rules. The Senate has 40 rules. What is proposed? It is proposed to make a slight change in 2 of them. So the proponents of a rules change would permit the most recent additions to the Senate to vote on a fraction of 2 of 40 rules, although every new Senator possesses, in his own right, as a Senator chosen and sworn, every right that belongs to every other Member of this body. I believe that most of the new Senators have the capacity to protect themselves; I do not think they need guardians. If it is contended that the new Senators have been denied the right to vote on the rules, then let an entirely new rule book be brought in and allow the new Senators to vote on all the rules. The truth is that since the first Senate met, the rules have never been changed in any such summary fashion as is proposed.

The Senate may seem at times to move along in a limping fashion. At times, we all get weary of speeches, particularly those with which we disagree. But this body has met the challenge of the changing times. This body has, through

the use of unanimous consent, enabled itself to legislate more rapidly at times, even, than the other body, where a Member often cannot get time to speak and sometimes cannot even offer an amendment.

I am proud of the Senate of the United States. It has adapted itself to the changing times without surrendering its proper function as an instrumentality of government. It has not been pointed out how the Senate has failed under the present rules. Have the proponents of a rules change been able to show, in bill after bill, how a wilfull minority has endangered the welfare of the United States? There has not been a single such illustration brought forward that I recall.

Of course, there will be some bills in which some Senators are particularly interested that will be defeated. There may be some bills in which some Senators are especially interested which, for some reason, will not be voted upon. But the vital interests of the United States have never suffered as a result of the rules of the Senate.

Over the same period of time, the Senate has preserved some of the rights of the States and a great many of the individual rights and liberties of the individual American citizen. The Senate rules have been a bulwark against hasty action and ill-considered legislation. The rules have, even within recent years, done much more good than harm. There is nothing in the record of the Senate which justifies this precipitate assault on the rules by a motion which provides that, without further debate, the Vice President ought to gavel down Senators and tell the clerk to call the roll. I hope we will not come to that point, Mr. President. I do not know just exactly how such a rule would be enforced. I do not know exactly how a Vice President who had such an inclination might enforce it.

I am not a powerful man in a physical sense; but before I would let any such procedure as that put me in my seat, when I was speaking in behalf of the people who honored me by sending me to this body, I would resist forcibly to the last objection. I would have to be dragged out of the Chamber, under any such procedure as that.

All of us recall what has transpired, unfortunately, at times in the parliamentary bodies of our Latin American friends and what has occurred in the parliamentary bodies of other lands. At the point where we talk about proroguing a parliament, at that point we are not talking about a free representative government.

Mr. CLARK. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. CLARK. Does the Senator from Georgia intend to use his best efforts to prevent the Senate of the United States from coming to a vote on the Anderson motion?

Mr. RUSSELL. No; I do not. I hope we may be able to vote on it. I hope we may be able to vote on it after a fair and reasonable debate; and what is a fair and reasonable debate will not be judged by any one Senator, so far as I am concerned, whether he is for or against the motion.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield.

Mr. CLARK. Will the Senator give his colleagues some general indication as to how much further debate he thinks there will be?

Mr. RUSSELL. No; I will not. I might recall to the Senate the words of the old song:

> While the light holds out to burn,
> The vilest sinner may return.

I hope we may be able to reach the Senator from Pennsylvania in our efforts to protect the rights of the Members of this body.

Mr. SALTONSTALL. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Will not the motion of the Senator from New Mexico, which we are now debating, have the same effect, in substance, if adopted, as stating that the rules of the Senate are not continuing, even though the Senate is a continuing body? And a further question on that subject: Can the Senate be a continuing body if it has no rules?

Mr. RUSSELL. The questions answer themselves. It would be a declaration that the Senate is not a continuing body. If such power could be used in this instance, it could be used with respect to a piece of proposed legislation. It would be as much justified under the rules of the Senate to bring to a close debate on a bill as it would be debate on the rules.

The Senate is a continuing body. All of the skillfully drawn resolutions to vote without debate cannot change that fact. The Senate has been a continuing body since the first Senate met in 1790. I pray to God that it may be a continuing body centuries from now and that those who will follow us here will have the same freedom of speech in the Senate that we have enjoyed; that the descendants of our constituents will be afforded the same measure of protection that has been voted our constituents in our day; and that we will not whittle away the powers and prerogatives of the Senate of the United States. The Senate is the keystone in the arch of our Government. If we strike it down and pull it out, the whole structure will be sure to fall.

Mr. SALTONSTALL. What the Senator from Georgia is saying, in substance, is that the Senate is a continuing body and must have rules.

Mr. RUSSELL. Of course it must; and there are several instances which show, not only by rules, but by acts of Congress, signed by the President, that the Senate is a continuing body.

The Reorganization Act provides that committees shall be carried over with all their powers and with the same personnel into the next Congress. Treaties remaining before the Senate at the expiration of one Congress are carried over into the next Congress. Those measures which are not carried over to a succeeding Congress are those which die by virtue of our own rules.

Mr. SALTONSTALL. Already in this Congress at least two committees of the Senate have been holding hearings and taking action.

Mr. RUSSELL. At least two that I know of. I see nothing wrong in that, because of the provision of the rule.

Mr. SALTONSTALL. The Committee on Foreign Relations has reported some nominations.

Mr. RUSSELL. I refer to rule XXV. No one will challenge that this law was passed before it was signed by the President. It reads, in part:

> Each standing committee shall continue and have the power to act until their successors are appointed.

Every committee of the Senate. That is on page 37 of the manual; and it was an act of Congress, approved by the President of the United States—the Reorganization Act. So there is no question about the Senate's being a continuing body.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to ask whether the Senator from Georgia agrees with me in the conviction that the constitutional powers are identically the same throughout a session, and that there is no difference in the constitutional powers at the beginning of a session or later in the session.

Mr. RUSSELL. Yes; there could not possibly be. The constitutional powers are the same at the beginning of a session as they are when the Senate adjourns sine die with the concurrence of the House of Representatives.

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. In regard to that matter, let me say that at this session our Committee on Foreign Relations has met, and has reported to the Senate certain nominations. No Senator raised a question that we had no authority to meet at that time and to take action on the nominations—as we have always done.

A moment ago the Senator from New York complained about the delay in taking action here. I wish to make clear that it is not my fault that there is this delay. I should like to have the delay terminated—by the obvious method of having the motion withdrawn.

I wish to make clear that the responsibility for the delay does not rest on me. Instead, it rests on the proponents of the motion. I think this point is not always appreciated or understood by the public or by the press. In other words, the delay does not originate with those of us who object to this procedure.

Mr. RUSSELL. Of course it does not. The other day I stated that those of us who are opposing this unusual procedure are not responsible for it and do not bear the responsibility for the position in which the Senate finds itself. Instead, that is the fault of those who have made this motion. They claim the right to say, "I move that, under the Constitution, without further debate the Chair submit the pending question to a vote"—something absolutely unknown

under any procedure in the Senate; and I defy any Senator to show that any such procedure has ever occurred in the 180 years of the Senate's existence.

Mr. FULBRIGHT. The other day the majority leader said he would object to any request to have any committee meet until this matter is disposed of. I do not know when it will be possible to dispose of it; that must be determined by the proponents of the motion. But very important matters are scheduled for hearing before my committee, and some hearings have been scheduled for next week. So a continuation of this procedure will delay some very important legislation.

Later, there will be the foreign-aid bill, which is very controversial. We have already had some hearings; but we shall begin the open hearings next week, with representatives of the administration appearing.

So this situation is very serious, and those who are responsible for it should consider very seriously whether they wish to prolong a procedure of this kind.

Mr. RUSSELL. Mr. President, I appreciate the questions asked by the Senator from Arkansas; and I express the fervent hope that he will not abandon his fight to obtain consent to have committee hearings held, because in my opinion no question of more vital importance to the future of the country and of the world will come before the Senate at this session. I realize the importance of the measures the Senator from Arkansas handles; and I have seen him guide the administration's proposals through at times when I was voting against them and was endeavoring to have them defeated. I realize how dedicated he is in his work. But I assure him that there is no higher responsibility on his part or on the part of any other Senator than to stay here to defend the rights of his State and the rights of Senators.

Mr. FULBRIGHT. I do not think the Senator from Georgia is warranted in reaching any such conclusion——

Mr. RUSSELL. I only stated that I hope and pray——

Mr. FULBRIGHT. The Senator from Georgia does not need to do that.

Mr. RUSSELL. The Senator from Arkansas has been a valiant defender of the rights of Senators and of the constitutional rights of the States; and he has been consistent in defending them ever since he came here.

Mr. FULBRIGHT. Yes.

I wish to make clear that I did not start this procedure, and I did not bring this motion to the floor. Furthermore, there is a very obvious way to take it from the floor.

I wish to say that there is no attempt on our part to have the Senate proceed except under the rules. I also wish to state that I am not responsible for the existing situation.

Mr. SALTONSTALL. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. A few minutes ago the Senator answered in the affirmative my two questions about the continuity of the Senate and the continuity of its rules.

Now I should like to put a question in the negative: If the motion of the Senator from New Mexico [Mr. ANDERSON] to have the Senate take up the resolution proposing an amendment of the rule is adopted, and if it is taken up, and if that amendment of the rule is adopted, then will it not be clear that the Senate is not a continuing body—because it could not be a continuing body without rules?

Mr. RUSSELL. Yes, this entire procedure—whatever its proponents may say—is predicated on the theory that the Senate is not a continuing body and has no rules to continue.

Mr. SALTONSTALL. Then, following what the Senator from Arkansas has said, if the Senate is not a continuing body, the action taken by the Foreign Relations Committee in reporting the nominations to the Senate was definitely not in order, was it?

Mr. RUSSELL. Yes; if the Senate were not a continuing body. However, for a period of 180 years it was consistently held that the Senate is a continuing body; and that was never challenged until a short time ago, when someone thought up this attempted shortcut of endeavoring to prove that the Senate is not a continuing body.

Mr. SPARKMAN and Mr. STENNIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Alabama.

The VICE PRESIDENT. Does the Senator from Georgia yield for a question?

Mr. RUSSELL. Yes.

Mr. SPARKMAN. Mr. President, I wish to ask the Senator from Georgia a question. Under the proposal that no committees shall meet during this period of time—although I do not know whether that is based on the theory that the Senate is a continuing body—I should like to ask about the Joint Economic Committee, the chairman of which is the Senator from Illinois [Mr. DOUGLAS]. That committee is charged by law with consideration of the President's economic report and with reporting to Congress by a certain date—a deadline. Every year, the committee has trouble in meeting that deadline. The committee began hearings today, and has been very busy today with its work on that report.

If the Senate is not a continuing body, is the committee meeting illegally? If so, where does the committee stand as regards the charge which is given to it, by law, to hold these hearings and to report by a certain deadline date?

Mr. RUSSELL. Mr. President, the Senator's question answers itself. The Senate is a continuing body, and always has been considered to be a continuing body; and that was never even challenged or questioned until some 10 years ago.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. STENNIS. A moment ago the Senator from Georgia very properly said the Constitution is the same today, tomorrow, and every day. With that as a beginning, let me ask this question: If a Senator can make a motion to change one of the rules, and if that is a proper motion today, and if it is then proper for a Senator to move that debate on that question be closed, would not it be equally proper on the 30th of June or on any other day when such a motion might be made? Would not its constitutionality be the same, regardless of the day on which such a motion was made, following the making of a motion that the rule be changed?

Mr. RUSSELL. Oh, yes—a motion to bring the proposal to a vote.

Mr. STENNIS. Or a motion to cut off debate on a pending measure.

Mr. RUSSELL. Yes; in that respect there is no difference between a resolution and a bill. If this motion in regard to a resolution is good, a similar motion is good if it is made in an attempt to force the taking of a vote on a bill.

Mr. STENNIS. And if that is a constitutional right, it applies every day the Senate is in session, does it not? Is not that the Senator's interpretation?

Mr. RUSSELL. Of course it is. It could not be applied to one piece of business before the Senate, without being applicable to all.

Mr. STENNIS. I thank the Senator from Georgia.

The VICE PRESIDENT. The Chair recognizes the Senator from Michigan.

Mr. HART. Mr. President, I will be brief. I rise only because of the suggestion that the pressure of business which is building up behind us is the responsibility of those of us who propose a change in the rules. Speaking only for myself, I am perfectly willing to assume full responsibility for such delay, because I think in the order of priorities in the Senate, the thing we seek to accomplish overrides any other business before us.

Our proposal does not constitute a revolutionary change in our system of government. We stand here at the opening of the Senate and say, "Let us apply a basic principle of government. Let us get on to the business of permitting a majority of the Senate to decide the rules. I doubt very much if anyone could suggest to me a more compelling piece of business.

Mr. HOLLAND. Mr. President, I wish to address myself briefly to two of the statements that have been made by my good friend the learned Senator from New Mexico [Mr. ANDERSON], which I think are misconceptions of the argument in the pending debate.

The first of those statements was that since two Senators—the distinguished Senator from California [Mr. KUCHEL] and the distinguished Senator from New York [Mr. JAVITS]—had been reelected by huge majorities in their respective States, and since their position had been against the adoption of the present rule, therefore it ought to be clear that the Nation favors the change of the present rule as suggested here.

The unsoundness of that argument is readily apparent.

I wish to remind Senators that some of the large number of Senators who supported the present rule and who now stand against its emasculation and its weakening were elected by greater majorities than even our two distinguished friends from New York and California happened to receive.

Looking around the Senate Chamber I have jotted down the names of five such Senators. One is the distinguished Senator from New Hampshire [Mr. COTTON], who, in the same general area of the Nation as the Senator from New York [Mr. JAVITS], and belonging to the same party, received, I understand, a larger percentage of the total vote cast in his State than was received by the Senator from New York [Mr. JAVITS].

While this has little to do with the matter before us, the fact is that the Senator from New Hampshire took exactly the opposite position on the question from the Senator from New York. If one were to argue from such slender facts as that, one could come to almost any conclusion he wished to reach.

I repeat that the Senator from New Hampshire [Mr. COTTON], from the same general area and the same political party as the Senator from New York [Mr. JAVITS], received in the election of last November a greater percentage of the votes of his State than was received by the Senator from New York, notwithstanding the fact that his position on the pending question was exactly opposite to that of the Senator from New York.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. RUSSELL. Does the Senator believe that the opinion of the Senator from New Hampshire [Mr. COTTON], who comes from a small State, should be given as much weight as the opinion of a Senator from the State of New York, a great State with teeming millions of people?

Mr. HOLLAND. I thank my distinguished friend——

Mr. RUSSELL. Perhaps it is not a State which our distinguished opponents think worthy of recognition.

Mr. HOLLAND. That is one of the foundation facts in the entire debate.

I am glad that my distinguished friend from Georgia called attention to that fact. The same observation might be made in somewhat the same measure in relation to my other illustrations and observations. Having only looked around the Senate Chamber at the time of the reference, I noted that in two States adjoining California—namely, Nevada and Arizona—our distinguished friends, the senior Senator from Nevada [Mr. BIBLE] and our distinguished friend the senior Senator from Arizona [Mr. HAYDEN], both of whom took diametrically opposite positions to that taken by the distinguished Senator from California [Mr. KUCHEL], were reelected by huge majorities. I am not able to say how their majorities compare, but I think the record will show that they fared as well as or better in their States than did our distinguished friend from California [Mr. KUCHEL].

Mr. President, I note the presence in the Chamber of two of my friends from a part of the country which is more or less a minority part. The Senator from South Carolina [Mr. JOHNSTON], who won by a 2-to-1 vote, and the Senator from Georgia [Mr. TALMADGE], who won by 87 percent of the total in his primary, certainly oppose strenuously the position taken by the Senator from New York and the Senator from California.

My friend from Georgia has already pointed out that those two Senators are from comparatively small States, as compared with the States of New York and California. That is true, but I wish to point out they also are from very sound States, more conservative States and States in which the people have shown by their votes that they approve the conduct of their Senators, whom they have sent back to the Senate by heavy majorities.

As to what part the decisions of Senators on this particular question played in the approval they received from the voters, I do not know. And I do not know what the conclusion would be with reference to the Senators from New York and California. But such an approach, and such an appeal for the elimination of a standing rule of the Senate in the manner proposed, without reference to committee, without any opportunity for the public to be heard, but merely because two great States had reelected Senators who were not in favor of the present rule, is, in my judgment, not much of an argument. At any rate, it is completely unsound.

Mr. President, the second of the statements my distinguished friend, the Senator from New Mexico, made which I thought would not bear up under scrutiny was his statement that he did not want the Senate to spend the first weeks of every session discussing the subject of amending the rules. My good friend from New Mexico could not have stated my own position any more clearly. I do not want each Congress as it meets to find the Senate debating proposed changes in its rules to the exclusion of other business, but that is exactly what we are likely to do if the ill-advised predicate and premise laid down is approved.

I invite the attention of Senators to the fact that it is not merely rule XXII which from time time may be displeasing to some Senators. Presidents change, majority parties change, and it is a recognized fact that the parties have certain programs that they wish to put into effect. By attempting to make certain changes in the Senate's rules or in the committees at the very beginning of the session, they hope to accomplish the objectives which they have in mind. In order to make their desired changes, they can be counted on to bring up in the Senate such proposals at the beginning of the first session of each Congress as recent history shows.

I do not believe there is any surer way to make certain that we will have numerous instances in which the plaguing question of amending the Senate rules will come up in the first days of the Senate to annoy us, to discredit us, and to prevent us from dealing with important public business than to approve the proposed approach, namely, that by majority rule at the first session of every Congress, the Senate has the right to consider proposed changes in any or all of its rules which, at that particular time, any sizable or highly vocal group thinks should be amended.

There is no surer way of accomplishing the very thing which the Senator from New Mexico has said he does not want to accomplish than to lay down such a predicate as we are requested to lay down and to establish a precedent whereby a majority of the Senate can change the rules, any rule or all the rules, at will, at its own discretion—or without discretion—at the beginning of every session.

Mr. President, I have another comment. This comment is with reference to the Senate's being a continuing body.

I appreciate the fact that my distinguished friend from Massachusetts [Mr. SALTONSTALL], by his colloquy with the distinguished Senator from Georgia [Mr. RUSSELL], made it very clear that the Senate is a continuing body and that, being a continuing body, it must have continuing rules, and that if the Senate did not have continuing rules, the very substance of its continuation as a body would be seriously affected, if not destroyed.

In closing I wish to call attention to the fact that in rule XXV, section 2, it is provided that—

> Each standing committee shall continue and have the power to act until their successors are appointed.

We find, by the note at the bottom of the page, that that is not merely a rule made by the Senate; that is also a part of the Reorganization Act, Public Law 601, 79th Congress, 1946, in section 102(3).

Mr. President, the fact is that not only the Senate but also the Congress—in an act approved by the President in office at the time—has laid down the rule that the Senate is a continuing body, and has laid that down in rule XXV, the section which I have read. The Senate has also laid it down by its own act, in rule XXXII, section 2, which makes it very clear that the Senate is a continuing body. I read a portion of rule XXXII:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

That was done in 1959. The earlier action was in 1946. Both times the Senate gave its most serious consideration to the matter. Both times the Senate was soberly stating what it thought was its conviction on the matter.

Mr. President, to adopt such a precedent as this proposed would destroy much of value that has come from all the years of history of the Senate, and, as expressed in the two particular incidents referred to and in others, would make us subject to the bringing before the Senate at the beginning of each Congress a veritable host of measures to change, or modify, or cancel long-established rules which have stood the test

of time, because we would have established a precedent that a majority, indeed, a transient majority, because all majorities are transient in the long run, has the authority to do that very thing.

I close with that thought. Not only would we establish the precedent that we can change rule XXII, but also, if the argument pertaining to the change in that rule is correct, that we could change any rule at the beginning of any Congress by a majority vote. That, indeed, would be a tempting plum to any new majority in the Senate.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. ERVIN. I should like to ask the Senator from Florida if he does not agree with the Senator from North Carolina that if the Senate sustained the motion, and thereby established the precedent for the Senate, the Senate would thereby destroy the capacity of the Senate any longer to function as a deliberative legislative body.

Mr. HOLLAND. Mr. President, we would certainly strike a blow in that direction, because we would invite the Senate at the first of every session of Congress to attempt to make any change thought desirable not only in this rule but also in any other rule, and we would also lay ourselves subject to considerable doubt as to whether that same procedure could be followed by the Senate at a later time during the session.

I recall that up to now that the Vice Presidents have ruled on this matter, as I understand it, that if the Senate goes beyond the first few days or weeks, of its first session—it is not made clear exactly how much time must go by—the Senate will be held by implication to have adopted or continued its rules.

I do not know whether that interpretation will continue to be in effect. Whether or not, it would still be subject to attack. It would be subject to having the Vice President make exactly the same ruling that he has made today. A question could be raised, "Mr. President, on constitutional grounds I—" that is, the Senator offering it might say—"feel that the Senate has the right, now, at this time in the session"—whether it was the first day or the last day—"to change its rules, notwithstanding the existence of committees and notwithstanding the fact that no committee has taken jurisdiction, so I move that under the Constitution the Senate does have that authority to adopt a rule now."

I say to my learned friend that, as I understand the ruling of the present Vice President and of former Vice Presidents, the constitutional question then raised would be referred to the Senate. Again we would come back to the question of what a majority of one of the Senate would then feel it had the right to do to carry out the objective which that particular majority had in mind at that particular time.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. ERVIN. I should like to ask my friend from Florida if he does not agree with the Senator from North Carolina that the constitutional powers of the Senate are not like the moon, they do not wax and wane; in other words, whatever power the Senate has under the Constitution at the first of a session exists throughout the remainder of the session, and the Senate is not a strong instrument at the first of the session and a puny instrument throughout the remainder of the session?

Mr. HOLLAND. I certainly agree. I am inclined to apply as a figure of speech applicable to this matter the answer made by Chief Justice Marshall at one time when Mr. Justice Story was remonstrating that the Court could not proceed to send for the wine right then, because the sun was not shining at that time, and the Chief Justice is said to have stated, "Why, Story, you know that can't be true. As large as this great country is, the sun is bound to be shining on it at every moment somewhere or other."

The Constitution is like that. It spreads its effulgence over this Nation at all times. Certainly there is no question at all that Senators could raise the point I mentioned a while ago as well late in the session as it has been raised at the first of the session, and it would then become a constitutional issue. The Vice President would have to submit it to the Senate. The question then would be put to the Senate for a vote by a majority, and a majority as slender as one would decide, "Shall this constitutional point be sustained, or shall it be rejected?"

Mr. President, I do not think the Senate is going to set any such precedent as this, which would sow the seeds for discord, dissatisfaction, and confusion probably every time that a new Congress convened, and possibly at any time thereafter throughout the whole 2 years of each Congress after it convened. It is a monstrous and mischievous thing that is suggested; that we should set aside all the precedents of 179 or 180 years, set aside the things the Senate and the House together in their wisdom have done in conjunction with the Presidential signature approving it, and say that all these things shall be of no force from now on. It seems to me that we could do nothing better calculated to bring about the exact confusion which the Senator from New Mexico has said he wishes to avoid.

I am confident the Senate will not take any such impulsive, irresponsible action.

Mr. HUMPHREY. Mr. President, I am glad I waited as long as I did to reply, because I think we now have really heard what is the crux of the issue. It has been stated with the candor and the frankness and the clearness that we would expect from the distinguished Senator from Florida. He is indeed a candid, frank, honest man, and extremely able. I pay him all respect and commendation.

The Senator has stated, quite frankly, that the issue is, Shall a majority of the Senate be able to write the rules? and shall a majority of the Senate be able to write the rules at the beginning of the Senate session?

Prior to today, the distinguished and able Senator from Mississippi [Mr. STENNIS], for whom Senators have the highest regard, asked, "Is it not true that one can motion up bills, resolutions, and other proposed legislation at any time during the Senate year, if the Senate should act favorably upon the Anderson resolution?"

I ask my fellow Senators, What is really being discussed? What is the issue today? The issue is, Shall a majority govern, or a minority? It was once said by Theodore Roosevelt, "There are only two forms of government in the world—a government by the majority and a government by the minority." It can be a minority of one a la Hitler or Khrushchev, or it can be a minority of 49.9999 percent. Or it can be a majority of 99.99 percent, or a majority of 50.00001 percent.

I am not opposed to majority rule. The distinguished Vice President was elected over his Republican opponent by a small majority of the vote cast for the two major candidates. The Senator from South Dakota was elected to the Senate by a small majority. But they are here with full power and trust. I could mention others. Some Members of this body lost by one vote, but they lost.

In the State of Minnesota we are still trying to determine, out of a total vote of 1,300,000 votes cast in an election, who is the Governor. Today the vote is within 100 for either candidate. We are going to decide the governorship of that State by a majority of one or two.

What is so revolutionary in America about majority votes? What I think is really unusual is that certain persons are saying that the minority vote should count—not only count, but rule. I am for the rights of the minority. I have spent a good deal of my life defending minority rights, and will continue to do so, but I do not defend the right of a minority to stand unqualifiedly, for an indeterminate period of time, against the expressed will of a duly constituted majority under the law.

I ask my colleagues to think through the issue that has been presented to the Senate. The outcome of the question before the Senate is really not so important in terms of immediate, detailed language, as is the principle on the basis of which we carry on the struggle.

The rights of minorities in the Senate have been protected in the Constitution. It provides there shall be two Senators from each State. I agree with it, support it, and approve it. In fact, it was a mark of genius when it was first proposed and accepted. It was called the Federal principle, so that Nevada or Minnesota has a large a vote in the Senate, in terms of numbers, as has California, New York, Texas, or Illinois. The minority has been given constitutional protection, from sheer arithmetical proportions, and this is a protection which is indeed significant.

So the issue is before the Senate. The Senator from Florida said, "Mind you, a majority as slender as one in this body could determine the rules." I agree with the Senator. He is correct, according to the proposal that has been made. But I say to the Senator from Florida that a majority as slender as one can declare war. A difference as small as one vote

almost lost the Draft Act in 1940. A majority as slender as one can tax the people. It can appropriate billions of dollars. Yet today there are Senators who would have the public, the American people, believe that when we amend a rule in the Senate so as to permit three-fifths of the Senators present and voting to bring debate to a close, a majority as slender as one would do injury to the Constitution. Poppycock. Nonsense. Of course, under our system, a majority of one can amend the rules of the Senate.

I say that important legislation in this body, in the field of foreign aid, in the field of labor legislation, has been passed by a majority as slender as one, or defeated by one vote.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Has any of such legislation been passed without reference to and report from a committee?

Mr. HUMPHREY. That is a precedent or procedure of Congress that may or may not be used. There are rules, for which the Senator himself voted, that permit a resolution to be brought up in this body and placed on the calendar, as Senate Resolution 9 was, without a violation of any rule. I will come to that point in a moment.

There is a rule—and it is a completely accepted parliamentary practice—that any Senator or any Member of the House of Representatives may rise at any time and offer a motion to take up a bill, to take it from the calendar, or move its immediate adoption. He does not always succeed, but no one can deny him the right to do it.

Let us get back to where we were. What is this struggle about? I appeal to the intellectual fairness of my colleagues. We are merely arguing whether or not the Senate can take up for consideration Senate Resolution 9, which is on the Calendar of the Senate. According to what I see on the calendar, it states, "January 15. Ordered placed on calendar." By whom? By the Senate. By the order of the Vice President of the United States, the Presiding Officer of the Senate, and of the Senate. And we are not to be given the opportunity to bring it up.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. For a question.

Mr. HOLLAND. Is the Senator saying that other Senators are not entitled to debate the question?

Mr. HUMPHREY. I am not saying that at all. Senators are entitled to debate it, but, in equal candor, we are entitled to vote on it.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HUMPHREY. For a question.

Mr. HOLLAND. By the same candor the Senator is talking about, and by the rules, are we not entitled to talk about it as long as Senators wish to debate it?

Mr. HUMPHREY. So far as I am concerned, I am perfectly willing to have the debate continue for a long time.

But after due deliberation, I think it is our duty to proceed. I shall refer to the Constitution, Jefferson's "Manual," and other historical and respected documents, and shall not rely merely on my opinion.

The Constitution provides that a majority shall constitute a quorum for the purpose of doing business. I emphasize the last two words "doing business." Article I, section 5 is a rather interesting portion of our Constitution. It not only states that a majority shall constitute a quorum for the purpose of doing business, but it provides that each House may determine the rules of its proceedings. Then it provides that it may punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member. The only reference to a two-thirds vote in that provision is for the purpose of expelling a Member. The Senate can discipline and punish a Member. It can punish and humiliate him by a slender majority of one. Yet we are being told that by a slender majority of one, which is the fundamental premise of majority rule, we should not be able to change the rules of the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Is it not correct to say that the precedents of the Senate, going back almost to the beginning, have required a two-thirds vote to suspend any rule?

Mr. HUMPHREY. To suspend the rules of the Senate. There is a rule for the suspension of the rules of the Senate, and there is also a unanimous-consent rule. That is not in the Constitution. We can change that rule. We are not wedded to the past. There was a time when Senators were elected by legislatures. That was changed.

Mr. HOLLAND. It was changed by a constitutional change.

Mr. HUMPHREY. It was changed by the people.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. There was a time when there were property qualifications in certain States. That requirement was changed.

Mr. HOLLAND. Was that not changed by a constitutional change?

Mr. HUMPHREY. That change was made by the people.

Mr. HOLLAND. Does the Senator say that it was not made by a change in the Constitution?

Mr. HUMPHREY. It was made by the people, who amended the Constitution. Each House may determine the rules of its proceedings, as I have said.

I shall not engage in nit-picking, or an effort to see whether a little spot on the end of a needle is there or not. I shall discuss the principles of the important document called the Constitution.

Section 5, article I, of the Constitution, provides:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.
>
> Each House may determine the rules of its proceedings.

That is what we are trying to do. In reply we hear statements implying that what we suggest is revolutionary, and that by what we suggest we are trying to tear down the very foundations of the Republic. We have arrived at the point where we are asked the question, Shall a minority be permitted to obstruct the Senate to a point where it can paralyze legislative action?

Mr. HART. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield for a question.

Mr. HART. Is there any doubt in the mind of the distinguished majority whip, the Senator from Minnesota, that it is infinitely better that this body remain in session and, if need be, further debate the issue in order ultimately to vote on the question of whether a majority can work its will, rather than being asked to withdraw our effort to permit a majority to work its will?

Mr. HUMPHREY. I am about to quote a worthy authority, a southern gentleman, born in Virginia, the author of the Declaration of Independence and the father of the Bill of Rights, Mr. Thomas Jefferson. I shall read from Jefferson's Manual. It will be quite interesting to read what Jefferson's Manual has to say about methods of disposing of this kind of question. One of them is not withdrawal.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. HART. Does not the Senator agree that this is the basic issue involved when any suggestion is made on the floor that the pressure of business requires those of us who seek to permit a majority to speak to withdraw our effort?

Mr. HUMPHREY. I have been in Washington long enough to enable me to speak with as much candor and frankness as almost anyone else in Washington.

I notice that some Democrats who go to the national conventions and stand behind the platform and support the national candidate, and stand by him, are looked down upon when they get to Washington, with people saying, "What is wrong with them? What kind of Democrats are they?"

In other words, those who do not support the platform, those who take an opposite view to that of the candidate, are looked upon as if they were pillars of the Democratic Party. Of course the Democratic Party has room for plenty of differences, but I should suppose that the majority that supports the platform and supports the candidate would be looked upon as being at least reasonably good Democrats.

Mr. HART. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I will yield in just a moment.

We now come to the question of who is holding up the work of the Senate. What is the current work of the Senate? The work of the Senate is not what some Senator may want to say in the middle of the afternoon. I have before me the Senate Calendar. This is our work schedule. It is not what some Senator may think of saying on his way to the Chamber. I hold in my hand the calendar of business. It is dated Monday, January 28. This is the only business. What does it show? It shows Senate Resolution 9, one item, Order No. 1. This is the business of the Senate. The business of the Senate was the order placed on the calendar on January 15. This debate started on January 15. The business of the Senate is to act upon this proposal, either yea or nay, to accept or reject it, or to postpone it indefinitely, to lay it on the table, or to send it to committee; but the business of the Senate is to act on Senate Resolution 9.

I have heard Senators say on the floor, "Senators who submit this resolution are obstructing the business of the Senate."

Unless I have been misinformed, unless this Calendar of the Senate is a subversive document, which I find hardly likely, such a statement does not make sense. I send the calendar to the desk and ask the clerk to read what it shows.

The PRESIDING OFFICER. Without objection the clerk will read the calendar.

The Chief Clerk read as follows:

Pending business: Motion to proceed to the consideration of Senate Resolution 9, a resolution to amend the cloture rule of the Senate. (January 15, 1963.)

Mr. HUMPHREY. I thank the Chair. I wanted to be sure that I was reading the calendar as accurately as the clerk has read it.

Mr. HART. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield for a question.

Mr. HART. I wish to make a parliamentary inquiry. I know what the ruling should be, but I do so to heighten the point. Will the Chair advise the Senate whether Senate Resolution 9 and Senate Resolution 10 reflect the position of the Democratic Party officially adopted as a part of its platform at the convention in Los Angeles?

The PRESIDING OFFICER. That is not a parliamentary inquiry.

Mr. HUMPHREY. I will help the Senator.

Mr. HART. The Senator's recollection confirms my own, that that is precisely what we pledged.

Mr. HUMPHREY. The Senator is correct. I recognize that each Senator makes his own decision as to whether or not he is going to support the platform. However, let it be clearly understood that the platform adopted at the convention in Los Angeles was adopted unanimously without objection.

Mr. ERVIN. Oh, no.

Mr. HOLLAND. Oh, no.

Mr. HUMPHREY. I will withdraw that last statement. As I recall now, there may have been some objection. Senators can address the Senate on that point in their own time.

Mr. HART. I can speak for the Senator from North Carolina because he and I shared the platform in connection with the consideration of that section. However, it was overwhelmingly adopted.

Mr. HUMPHREY. In my State if one is unanimously or overwhelmingly elected, it means that one is elected; and when something is overwhelmingly adopted, it is adopted. I apologize to Senators for saying that it was unanimously adopted. It was not unanimously adopted; it was overwhelmingly adopted. This was the overwhelming majority view at the convention. That is the platform on which we went to the country during the campaign. Today we are only trying to carry out the majority view of our party, and, I might add, the view of the Republican Party as well. That is what we said we would do as a majority, if we were elected to the Senate. Now we are told that we are obstructing the business of the Senate.

The other day, when I called up certain nominations, I was told by the distinguished minority leader that this could not be done because the committees were not functioning.

This goes back to Senate rule XXV. I have heard it said repeatedly in this body the Senate rule XXV provides that committees shall continue from one Congress to the next. I suggest that Senators read all of the Senate rule XXV, as I did the other day. However, Senate rule XXIV relates to the appointment of committees. Senate rule XXV relates to standing committees. It was adopted June 10, 1946, as part of the Legislative Reorganization Act, to be effective January 2, 1947. The rule begins:

The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise.

It is a fact that certain committees carry over by special rule in statutory law; but it is equally the fact that each committee must be established at the commencement of each Congress. Very shortly we hope to offer a motion to the Senate which will have the effect of law, a motion to establish the standing committees and their members.

I observe in the Chamber the distinguished junior Senator from South Dakota [Mr. McGOVERN]. It has been said that he has privileges and rights equal to those of every other Senator. But he is not a member of any committee. He has not been appointed to any committee, standing or running, permanent or indefinite. But he is a Senator; and the reason why he has not been appointed to any committee is that the Senate has had before it other business, and we have had before us, under our constitutional right, the opportunity to amend the rules at the beginning of each Congress, and we have not yet acted upon the establishment of the standing committees.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. I heard the Senator say that certain committees continued. Is it not true that the language of the Reorganization Act and the rule is as follows?

Each standing committee shall continue and have the power to act until their successors are appointed.

Mr. HUMPHREY. That is correct. That is what I said.

Mr. HOLLAND. I thank the Senator.

Mr. HUMPHREY. I further said that this was a special provision to take care of situations in which the Senate gets into a long ordeal, such as we are enduring now, to permit such committees to continue in existence. But before those committees can be constituted as the official standing committees of this body, rule XXV, which is nothing more or less than a portion of the Reorganization Act of 1946, must be followed. Section 1 of rule XXV provides:

The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise.

No Senator, whatever may be the purposes of his argument, can argue with those words. The word "shall" is inclusive, exclusive, and mandatory.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Does the Senator mean by his statement that recommendations for the confirmation of the nominations of certain very important officials in our foreign affairs, which have already been reported by the Committee on Foreign Relations, of which the distinguished Senator from Minnesota is a member, do not represent the action of that standing committee?

Mr. HUMPHREY. I do not contend that. I simply contend that that standing committee has not its full membership. It has not been constituted at the commencement of this Congress as set forth by the Legislative Reorganization Act. I will take the words of the minority leader, who said that those recommendations could not be acted upon because the committee had not been constituted.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Then, is the Senator admitting that the confirmations of nominations recommended by the present standing Committee on Foreign Relations have been recommended by the standing Committee on Foreign Relations?

Mr. HUMPHREY. Of course; the Senator from Minnesota understands that.

Mr. HOLLAND. That is true, notwithstanding the fact that certain additional appointments to the committee have not yet been made?

Mr. HUMPHREY. That is correct. The Senator from Minnesota, since he is a law-abiding man, and took an oath to uphold the Constitution and laws of the United States, one of those laws being the Legislative Reorganization Act of 1946, also recognizes that at the commencement of each Congress standing committees shall be appointed, but they

have not been appointed. Therefore, because those who were the framers of that law had good judgment, they provided for continuity until such time, as the law requires, as such committees shall be appointed.

Now I wish to mention a few more points that we have heard in the argument. We hear this kind of phrase. By the way, I wish to compliment the opponents of Senate Resolution 9. As a matter of fact, I really believe that this body has untold talent for propaganda. I am of the opinion that the United States Information Agency has been missing a bet. When I think of how poor, at times, we do in our overseas propaganda, and then realize what great talent is in the Senate, I wonder why there is not a closer relationship between the executive and the legislative branches.

Imagine such phrases as this. "Senate Resolution 9 is a bizarre proposition." What is bizarre about it? Senate Resolution 9 merely provides that we may want to try to amend the rules of the Senate. But "bizarre proposition" makes a much more rhythmic, euphonious kind of impression upon the listener than simply to say "Senate Resolution 9 proposes to substitute three-fifths for two-thirds of Senators present and voting to apply cloture." What is bizarre about that? One may disagree with the proposition, but if that is bizarre, then the chalk, which is bland, must taste like chocolate fudge. There is nothing bizarre about it at all. It is a normal, orthodox, regular proposition.

What else do we hear?

Mr. ERVIN. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. ERVIN. Am I correct in assuming that the Senator is discussing or speaking in the interest of the motion made by the able and distinguished Senator from New Mexico?

Mr. HUMPHREY. I am, indeed.

Mr. ERVIN. If the Senator will permit me to do so, I should like to read from the motion as a basis for my question. The motion reads:

> I move, under the Constitution, that without further debate the Chair submit the pending question for vote.

Does not the Senator believe that that is a rather peculiar kind of motion, since it has never been made from the time the morning star sang its glory until a few moments ago?

Mr. HUMPHREY. No. I do not think it is peculiar at all. The same old arguments that have been used against the new Anderson motion were used against the old one. It is like a broken record. It has just about as much application to the substance of the argument, and much the same force, as the "bizarre" business we have heard about. "Bizarre proposition" is a phrase which is found practically every day in the CONGRESSIONAL RECORD.

It is like the gagging of the Senate. Gagging? The Senate has been debating for 15 days. What gag is that? It makes Niagara Falls look like a water faucet.

Today, the motion of the Senator from New Mexico is "bizarre." When he previously offered a similar motion, it, too, was "bizarre." Before he started, it was "bizarre."

Mr. President, the Anderson motion is nothing more or less than an effort to get a vote. I have written down what has taken place. First, the late beloved Vice President of the United States, Alben Barkley, made it clear that there was an inherent right in the Senate to organize. Alben Barkley was as careful a student of the rules, precedents, and traditions of this body as any Senator who ever served here.

Furthermore, the Constitution itself provides that a majority shall constitute a quorum to do business. The Constitution provides that each House may make rules to govern its proceedings.

The Constitution is predicated on majority rule, under article I, section 5, for every purpose except those exclusively noted to the contrary. Some of the rest of us in this body, besides those who are opposed to the Anderson resolution, have a little knowledge of the Constitution. I submit to Senators that the basic assumption of article I of the Constitution, the legislative article, is that a majority shall constitute a quorum for the doing of business, and all business, listed therein, except in instances where another figure is provided, such as two-thirds or three-fifths, or whatever figure may be listed in the Constitution.

So there is nothing very unusual about what has been presented by the Senator from New Mexico. The 1959 precedent, where, without ever going to committee, without ever going to committee at all, a resolution was brought up in the Senate and passed; and, as I recall, several Senators who are now opposing it did not find it too distasteful. I do not say they voted for it, but they did not filibuster it. They did not talk 2 weeks. There was nothing bizarre about that. What happened? The provision for two-thirds of the total membership was changed to two-thirds of the Senators present and voting. We consummated a change in the rules of the Senate; but that proposal was not referred to the committee. It was done in exactly the way we are proceeding now. In other words, it was received, and was placed on the calendar, without being referred to a committee. Subsequently it was called up, on a motion to consider. The motion to consider was agreed to; and it was debated, and was adopted.

That is all we are requesting now; we are requesting the opportunity to vote, the opportunity to decide.

It is most interesting to find that in 1963, when some of us say, "Let us vote," we are almost regarded as if, somehow or other, we want to ride roughshod over all other Senators—after 2 weeks of debate on "the great, fundamental question, of historical significance, of agreeing to a motion to take up Senate Resolution No. 9."

Mr. President, a motion to take up or to proceed to consider is perhaps of very little more significance than a decision to go to a bank and ask for a book of blank checks. When we come to act on the rule itself, that will be of some significance. But at this point the question is a procedural one; and to oppose it is to engage in dilatory tactics.

I know why some Senators oppose the attempt to have this motion voted on. They oppose this attempt because they do not have sufficient votes in support of their position.

I say to them, "Tell us a day certain when you will be willing to have the vote taken—1 week from now, 2 weeks from now, a month from now. Let the Senate have some idea of when it will be able to vote."

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. I listened with some interest when I heard the Senator from Minnesota say that unless the Constitution provides otherwise, majority rule shall prevail in the Senate.

I wonder how the Senate got its long-standing requirement that one of the rules can be suspended only by a two-thirds vote.

Mr. HUMPHREY. The Senate arrived at that requirement by means of a majority vote. A majority of the Senate can agree that a nine-tenths vote shall be required in order to take certain action. I hope no Senator really believes that this body cannot legislate by majority vote.

I recall that the Senator from Georgia [Mr. RUSSELL], who certainly is one of the most astute parliamentarians ever to serve in either this body or any other body, said that a majority of the Senate can take action, and that no one holds to the contrary. Yet the trick involved in this situation is that under the old rules a small minority can debate indefinitely a motion to have the Senate proceed to consider a proposed change in the rule or a new rule; and that is accompanied by the claim by some Senators that if the Senate proceeds with its business at the beginning of a session, the old rules will apply, and will apply for the entire session, unless some Senator makes a motion to the contrary at the beginning of the session.

In short, the rules become a mockery, because we find that a minority of 34 Senators can stop the functioning of the normal process. Furthermore, if 34 Senators can prevent the taking of action, why cannot 1 Senator prevent it?

Mr. President, this body needs some rule which will enable it to come to grips with the issue, so that the Senate can govern its own conduct.

Mr. CLARK. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I shall be glad to yield in a moment.

Mr. President, I realize the situation we face. I attempt to be a realist; and I realize the difficulty involved in these struggles. I realize that it may not be possible to succeed in the present attempt. But, in line with the statement made by the Senator from Georgia, I wish to say that I believe so much in majority rule that I will not yield to any kind of expediency. The Senator from Georgia said he believes so sincerely in what he has stated that he will not be

diverted from it by any means or in any way. He is a sincere fighter for what he believes in, and he is able and intelligent. But, Mr. President, if I know anything about what this country stands for, I say it stands for representative government, and for the right of the majority to express its will, and also for the rights of the minority. How is that protection provided? That is done through due process of law in the courts; and through the provision that each State shall be represented in the Senate by two Senators, regardless of the size or the population of the State; and, more importantly, it is done through commonsense and decency and fairplay.

I appreciate the situation which the Vice President faced today; and I respect the words of my leader, the Senator from Montana [Mr. MANSFIELD]—and I am not here to press that point—that the Vice President should decide for us, each and every decision. However, it was not all black or all white, as might have appeared in the earlier debate.

I have Jefferson's Manual before me. One good thing about these debates is that they compel us to read the great documents which constitute the basis of the procedure in our Congress and in our Government. No doubt Thomas Jefferson loved his country as much as any man who ever lived. Surely Thomas Jefferson had a great deal to do with the formation of our Government. If ever there was a man who believed in liberty, it was Thomas Jefferson. If ever there was a man who believed in religious freedom, it was Thomas Jefferson. If ever there was a man who believed in political freedom and every other kind of freedom, it was Thomas Jefferson.

Thomas Jefferson wrote as follows in the preface to his manual, Jefferson's Manual of Parliamentary Practice:

JEFFERSON'S MANUAL[1] OF PARLIAMENTARY PRACTICE, WITH REFERENCES TO ANALOGOUS SENATE RULES

PREFACE

The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate has accordingly formed some rules of its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of its approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this as well to have them at hand for my own government as to deposit with the Senate the standard by which I judge and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware that authorities can often be produced in opposition to the rules which I lay down as parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

Yet I am far from the presumption of believing that I may not have mistaken the parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe for obtaining information on that part of the subject are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

[1] Compiled by Thomas Jefferson during the time he served as Vice President of the United States and President of the Senate, 1797 to 1801.

Mr. President, since those words were written, many new rules have been adopted and many new precedents have been established. So that there may be no misunderstanding, such decisions must be made by those of us who are elected to serve in this body.

The VICE PRESIDENT. The Chair appreciates the Senator's comment. He has followed the Senator's statement very carefully and his quotation from Jefferson's Manual. The present occupant of the chair does not disagree with that statement, nor does he disagree with the statements made by Vice President Barkley and other former Vice Presidents. Constitutional questions must be submitted to the Senate for decision.

Mr. HUMPHREY. I thank the President of the Senate.

The only reason the Senator from Minnesota read what he did is that as the debates proceed, one might think that somehow, according to the opponents of our position, we were indulging ourselves in some capricious or momentary observation without any basis in history or in fact.

There is as much history on the side of those of us who believe that the Senate has a right to adopt its rules at the opening of the session as there is on the side of those who feel to the contrary. There is only one way to settle the question. There is only one way to reach a parliamentary conclusion. No body could pass enough rules to save itself from being made to appear ridiculous. Anarchy in this body could not be prevented if any one Senator wish to be sufficiently stubborn and obstreperous as to stand on his feet and to mobilize some of his colleagues to resist normal orderly procedure.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I shall be glad to yield in a moment.

My appeal to Senators—and I gather the Senator from Georgia may have had this point in mind—is that some indication be given of how long it will require to debate the various points in relation to the parliamentary and constitutional questions. I wish to come to that point, because it is a very significant question. Then we will be able to give some guidance to Senators and to the people of our country as to what day and what time we are going to vote on the question. I trust that no one will say that we are going to use the mere physical power of body and voice to wear down the Senate so that Senators will not have the privilege of using their minds and judgment on these questions.

Debate, yes; the right to free speech, yes. But the right to free speech not only confers rights but also imposes responsibilities and obligations. The right to debate, yes. But the right to debate for what purpose? To come to a decision.

What did Thomas Jefferson have to say about that question? I ask my friend the Senator from Pennsylvania to bear with me for a moment, and then I shall yield to him for a question. I ask Senators to listen to what Mr. Jefferson had to say. Mr. Jefferson was a wise man and a patriot. Mr. Jefferson has been referred to repeatedly during the debates. Mr. Jefferson in his manual wrote how a parliamentary body should reach a decision on a question. On page 399 of Jefferson's Manual—the Senate Manual which each Senator has on his desk—Mr. Jefferson said:

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them.

Jefferson said that every parliamentary body must have a way to dispose of

every proposal submitted to it. He then lists them:

1. The previous question.
2. To postpone indefinitely.
3. To adjourn a question to a definite day.
4. To lie on the table.
5. To commit.
6. To amend.

The proper occasion for each of these questions should be understood.

Then in his great wisdom and great knowledge of parliamentary problems, Mr. Jefferson pointed out how each of those respective methods of disposing of a proposal might be used.

But Senators will note that Mr. Jefferson did not include among those questions: "To give up; to recall; to call back."

Mr. Jefferson was not that kind of an American.

Mr. Jefferson did not run away. He did not stop when he offered his Declaration of Independence with the great Richard Lee, of Virginia. He did not say, "It is going to cause a controversy, so let us recall it."

I point out to Senators that there were no filibusterers in the Constitutional Convention. The delegates to the Convention came to a vote on the most difficult questions of the day. They were questions of life, death, and freedom. But questions related to the Constitution of the United States were settled without a filibuster, and it did not take the delegates forever to finish the task, either. Observe the actions of George Washington, Benjamin Franklin, Alexander Hamilton, and James Madison. I ask Senators to read the notes of James Madison. The Senator from Minnesota has read and taught them. There was parliamentary procedure in the Constitutional Convention, and no one engaged in a filibuster. Parliamentary questions arose on such important questions as the representation of the large States and the small States, the power to tax, the duties and responsibilities of the President of the United States, and on such an important question as the power of the judiciary.

Those were fundamental questions. Those questions were resolved in the Constitutional Convention by a majority vote. And they were resolved without a filibuster. If such great questions of constitutional doctrine can be settled in such fashion, why cannot the U.S. Senate, a creature of the Constitutional Convention, do likewise?

I return to my source of inspiration. As a young man I was privileged to have a father who read to me from Thomas Jefferson's writings. In addition to my father, there were two other great men in my life. They were Thomas Jefferson and Woodrow Wilson. The writings of Woodrow Wilson are extremely important on parliamentary questions. His writings on congressional government are possibly the most important writings on congressional government in our history. No man believed more in the rights of a minority than did Thomas Jefferson. No man believed more in human liberty or in parliamentary institutions than did Thomas Jefferson. There is not one word in Jefferson's Manual to the effect that one can obstruct the processes of parliamentary government by dilatory tactics. To the contrary, the whole burden of Jefferson's Manual is to the effect that dilatory tactics should be prohibited and stopped.

If my interpretation of the manual is incorrect, I shall stand corrected before my fellow Senators. But I note that Thomas Jefferson said—and I again recall his words:

> It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them.

Jefferson was a good man. Jefferson was a wise man. Jefferson was a parliamentarian. Jefferson was one of the greatest of all Americans. I believe that his writings at least support majority rule with respect for the rights of the minority.

Mr. President, as Senators know, the Senator from New Mexico offered his motion today because some of us are concerned in regard to what we conceive to be an undue delay in procedures to bring the question to a vote.

I urge Senators to help us to bring it to a vote. It is important to me, of course, that the position I take on the question be settled as I see it. All of us like to win. But one of the things we have learned in this body is that if a Senator's motion, proposal, or idea does not win, the decision of the majority is accepted. That is the basis for the survival, not only of the Senate, but of our entire constitutional structure.

A Senator may return at a later date, to be sure. Why not? There are elections every 2 years. What is the purpose of elections? Is the purpose of an election merely to continue the status quo? I have heard Senators say, "Every time there is an election, Senators want to change things."

Perhaps I am a little out of step with the times. But I was of the impression that one of the reasons for elections was so that, if need be, we could change things. That includes even changing the rules of the Senate. Elections have changed the labor laws of our country. Elections have changed tax laws. Elections have changed the whole course of American foreign policy. Senators have had much to do with that. Why is it said that election should not have some application to the rules of the Senate? Cannot Senators trust one another? Is there some feeling that those who were in the Senate 50 years ago knew better how the Senate ought to conduct itself than those who are here now?

Of course we will look to the precedents. Of course we will be respectful of those who merit respect. I am respectful of Jefferson. I am willing to follow Jefferson's Manual now. I respect the words of the patriot because he earned respect, because his life merits respect. No Senator who is worthy of being in this body would ignore the history of his country or would ignore the Constitution, or Jefferson's Manual, or the rules of the Senate.

The present rules of the Senate did not come about by accident. They have been amended before, and they will be changed again. We are arguing now not about whether we should change the rules, but when. What we are really arguing about is whether a majority has the right to change the rules without being stymied by a cloture rule which permits a minority to block a change in the rules.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield for a question.

Mr. CLARK. I should like to have the help of the Senator from Minnesota in narrowing the issue. I should like to propound a question after stating the basis for it.

The Vice President ruled today that constitutional questions must be submitted to the Senate for decision without a preliminary ruling on his part, and with this I agree. Does the Senator from Minnesota agree?

Mr. HUMPHREY. Yes.

Mr. CLARK. The Vice President ruled today, and even the Senator from Georgia agreed, that the Senate could change its rules by majority vote. Does the Senator from Minnesota agree?

Mr. HUMPHREY. I agree; if we can ever reach a vote.

Mr. CLARK. That leads me to the key question which I think narrows all the debate. The Senator from Minnesota and I know that there are perhaps 18 Members of this body who, in words of one of the most lovable of them, are adamantly opposed to having the present cloture rule changed.

Mr. HUMPHREY. Yes.

Mr. CLARK. Those 18 Senators are eloquent. They are energetic. They are tireless. Does not the Senator from Minnesota agree with me that, under the ruling of the Vice President, if those 18 men wish to talk until the end of 1963, they can thus effectively prevent the Senate from exercising the right on which the Senator from Georgia and the Vice President agree—and the Senator from Minnesota and I also agree—from ever coming into effect? I refer to the unquestioned right of the majority of the Senate to change its rules by majority vote.

That is the issue which confronts us. Is this not at some point an unconstitutional action on the part of the 18, or perhaps a few more or perhaps a few less Senators? When it becomes clearly unconstitutional by reason of the debate, which has no further meaning in logic or reason, is it not then the unquestioned right of the Members of the Senate—either through the method suggested by Jefferson of moving the previous question or by calling again on the Vice President to invoke the constitutional right of a majority to change the Senate rules—to bring the matter to an end?

Mr. HUMPHREY. I would say to my colleague, with whom I work in what I consider to be this very important debate and struggle, that we may reach a time when we shall again have to ask the Vice President for his opinion on these matters.

Let me say in all candor that I was impressed today by the debate. I sat and listened. I believe that the majority leader and others made a point.

Much as I should like to have the Vice President rule in my favor, I believe they made a point.

I do not believe I have discussed this question with any of my colleagues, but the Senator asked me an honest question and I will give him an honest answer. I am not sure I want to give the Vice President of the United States the power to choke off debate. I should like to have the Senate itself face the responsibility.

Jefferson's Manual was written in 1797, as I recall, or at about that time, in the early days of our constitutional life and parliamentary life; and there were times when these questions had to be referred to the Presiding Officer and it was necessary to rely upon him to make a ruling.

As I have said, I think this language gives us plenty of precedent, and it gives the Senator from Pennsylvania a good deal of precedent. Jefferson said:

> The Senate has accordingly formed some rules for its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none.

On the basis of Jefferson's Manual, a sound and solemn case can be made for insisting that the Vice President hand down a ruling. But I must say, in all candor, that I may wish to reexamine the question.

I preserve for myself the right to learn as I go along. I will never be so bullheaded that, once having taken a position, I never change it. If the facts show me to be wrong later, I will change my position. I do not believe there is anything noble in being consistent, if one is consistently wrong. I think we should be alert, alive, and enlightened. If the facts reveal that there should be a changed point of view, let us change.

Jefferson's Manual was written between 1797 and 1801. While I am sure it should be accepted as a reasonable document of reference, since the manual was written there have been many rulings and precedents. If we can bring this issue to a head, I prefer that we do it ourselves in this body.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. CLARK. I am not asking or suggesting that the Vice President should make any ruling, advisory or otherwise.

All I am saying is that in every civilized body in the world except the U.S. Senate—including the Legislature of Florida, the Legislature of Georgia, and the Legislature of Mississippi—there are civilized ways of terminating debate in order to prevent legislative chaos and the denial of the will of the majority. Some such method must exist inherently in the authority and the right of the U.S. Senate to do what the Vice President, the Senator from Georgia, the Senator from Minnesota, and the Senator from Pennsylvania say should be done.

Mr. HUMPHREY. That is correct.

Mr. CLARK. Which means that at some point we can eliminate chaos, return to the rule of reason, and permit the majority to work its will. It may be that we should resurrect the motion of the previous question. It may be that some other parliamentary procedure should be made available. But we cannot deny the right of a civilized body of legislative people, hallowed in the traditions of the U.S. Senate. We cannot deny the majority of that body the right to exercise its unquestioned constitutional privilege of adopting its own rules by a majority vote merely because 18 Senators—pretty soon we may start calling them a small group of willful men—are determined to prevent a proposal from coming to a vote because they do not think they have enough votes to stop it.

Mr. HUMPHREY. I think the Senator makes a very strong case. I was trying to point out awhile ago that when we really get down to brass tacks, all parliamentary procedure depends upon the willingness of the members in the parliament to accept the decision of the majority. This is the only answer. It requires that we understand that a limited number of Members of this body can put the Senate into pandemonium, into literally anarchy.

The references to Jefferson's Manual are surely worthy of our attention. I quoted from Jefferson's Manual because I heard statements made from some of my colleagues that, somehow, we were doing something that was outrageous. What we are doing is something that is legal, honorable, and in the American tradition.

But Wilson, to whom I also referred, took a little different view about the Presiding Officer. I believe, in these debates, we can make better headway if we are fair with each other. I am not arguing for the love of arguing. I would rather be debating some substantive legislation. I would rather be debating the President's tax bill, or Federal housing legislation, or medicare. I want to get at the substance of American life. I am not much of a man for procedural arguments, but I know that procedure is important. Therefore, I am willing to take my stand. But it is no secret in this body as to where the Senator from Minnesota stands as between procedural argument and argument on legislation.

I feel strongly about it. I make no apology for it. And I make no apology for the fact that I find myself in the middle of a controversial matter. In fact, I hope I am controversial. I am tired of hearing people say that I may not be controversial. I think the whole subject of procedure needs a good "looksee."

Before I quote from Woodrow Wilson, I want to quote from a contemporary writer Max Freedan, who has written an excellent article published in this morning's Washington Post in the column entitled "In Perspective." He argues the question of unlimited debate. I present this article for the attention of my colleagues, either by putting it into the RECORD by unanimous consent, or by reading it. I know my colleagues will accommodate me. I ask unanimous consent to have it printed in the body of the RECORD.

The PRESIDING OFFICER. The Parliamentarian calls attention to the fact that it was placed in the RECORD earlier today. Without objection, it may be inserted in the RECORD. If it is a duplicate——

Mr. HUMPHREY. Instead let me quote one or two paragraphs:

> The Senate should know that its worst problem arises not from unlimited debate but from its failure, all too often, to debate at all. It is a standing perplexity to friends of the Senate to find these men, masters of repartee, the prisoners of a manuscript whose clouded prose takes refuge in a calculated obscurity.

What a beautiful line that is. It is a beautiful line about obscurity, but it gets to the point.

> How long is it since the Senate last had a true debate? Perhaps not since the controversy over the resolution on Quemoy and Matsu. No one who heard that debate can easily forget the way the sentiment of the Senate changed as various speakers, using few notes, drove home their case. The closing speech by Senator George, then chairman of the Foreign Relations Committee, was a masterpiece of terse advocacy that altered the opinion of many Members.
>
> Incidentally, that debate made nonsense of the familiar complaint that Senators must give reporters advance copies of their speeches or else the papers will never notice what they say.

The reference to former Senator George is a very appropriate one. While I disagreed with that illustrious Senator on the question of the rules—and if he were here I know he would take my hide off, as he was very capable of doing, being one of the masterful debaters of this body—nevertheless he was an extremely effective Senator and a great public servant. I heard that debate. What a privilege it was to be in this body. I appeal to my colleagues to enter into a debate on substance. I learned a great deal from Senator George. I know that now the senior Senator from Georgia [Mr. RUSSELL] and the Senator from Florida [Mr. HOLLAND] and my other friends prefer to get into debate on the substance of issues, and I hope we will soon be at it.

But getting back here to the Vice President's policy, the Vice President is my friend. I have tried many times to convince him on certain issues, without too much effect.

Mr. HOLLAND. Mr. President, before the Senator leaves that point, will he yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. The Senator has quoted from Jefferson's Manual, which was prepared by Thomas Jefferson when he sat in the seat now occupied by our distinguished friend from Texas, Vice President JOHNSON.

I invite the attention of the Senator to a fact which I think he overlooked in the statement from which he read, which states that the matters referred to the Vice President, "without debate and without appeal, were all questions of order arising either under its own rules or where it has provided none."

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. The matter now submitted does not come from its own rules, because the Senate has certainly not provided a rule on this subject, nor does it deal with a field in which the Senate

has provided none, but comes from an additional field, the question whether the Senate rule is what is claimed by one side or the other. Jefferson's statement makes no reference at all to that. Am I correct?

Mr. HUMPHREY. I will read from Jefferson's statement. I always feel that he has such a clarity of expression that it requires no contemporary interpretation.

Mr. HOLLAND. I am sure of that, and I am quite willing to stand on what he said.

Mr. HUMPHREY. It reads:

> The Senate has accordingly formed some rules for its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none.

We are of the opinion that one of the rules which the Senator from Florida would have us believe are the effective rules is unconstitutional. We are also of the opinion that there is an inherent right in the Senate and in each Senator to adopt rules at the beginning of each session.

Mr. HOLLAND. Does that claimed right arise under the Constitution?

Mr. HUMPHREY. It arises from the Constitution; and the objection arises from the existing rules of the Senate.

Mr. HOLLAND. Then the question does arise from an interpretation of the Constitution and it does refer to a matter not covered by Jefferson's statement. Is that correct?

Mr. HUMPHREY. It could be. I quoted Jefferson's Manual not as conclusive proof, but because I had the feeling that our viewpoint was held up as having no claim to respect. I thought we were going to be snowed under from the avalanche of arguments of the opponents of rules change. "Cannon to the right, cannon to the left, stormed at with shot and shell, boldly we rode and fell."

I wanted to get some recognition of a statement by an undoubted patriot before the idea was accepted that there was no respectable evidence on our side.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. So far as the Senator from Florida is concerned, I am quite content to concede that the Senator from Minnesota is quite respectable, not absurd; and further, the Senator from Florida feels that the Senator from Minnesota should not feel too bad about the comment made by the distinguished columnist this morning, because the Senator from Florida feels the Senator from Minnesota has been debating, and debating in the finest traditions in the Senate. He does not want his friend to go home tonight feeling that his remarks have deserved such a classification as referred to by the columnist.

Mr. HUMPHREY. I thank the Senator.

Mr. HOLLAND. Furthermore, the Senator from Florida wants his friend to know he has accomplished what he has stated was his wish; namely, to be in a controversial field. He certainly has been in a controversial field, and has been taking part in a controversial field in the best tradition of the Senate.

Mr. HUMPHREY. I thank the Senator. The words of the Senator from Florida give me comfort and faith and strength, when he reassures me, because they are words from a champion. At least in my psychological position, I feel better. Today will be a much happier one.

May I say perfectly frankly that the article by Mr. Freedman was a very good article. I think he got to the point of the importance of debate and concerning its unlimited use.

I say to the Vice President that Woodrow Wilson had a view on the Vice President's power which is worthy at least of reference.

I hope the Vice President will not take exception to this statement. I wish to have our friendship continue and remain firm and unsullied in the future as it has been in the past. With that explanation, I should like to read what Woodrow Wilson had to say about the office of Vice President. He was not speaking of the particular Vice President who now presides over the Senate. Woodrow Wilson said:

> The Vice President is simply a judicial officer set to moderate the proceedings of an assembly whose rules he has had no voice in framing and can have no voice in changing.

I do not believe that Mr. Wilson, great man though he undoubtedly was, knew or could possibly know of the great qualities, the genius, the great ability, and the unsurpassed public record of the current Vice President.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I will yield in a moment. I must get this statement in the RECORD about the Vice President.

Mr. HOLLAND. I think so much of that statement that I would like to have the Senator repeat those words about the Vice President having nothing whatever to do with the framing of the rules and nothing to do with changing them.

Mr. HUMPHREY. Even Woodrow Wilson could make mistakes. If anyone in my memory ever had something to do with the framing of the rules of the Senate, it has been the Vice President who now sits in the President Officer's chair.

Mr. HOLLAND. Not as Vice President, though.

Mr. HUMPHREY. He is a great man. He is from Texas. He was a distinguished majority leader, one whom we will remember through the pages of American history. He was one of the most able, astute, competent, and dedicated majority leaders and public servants that this country ever had or will ever have.

Of course, when Woodrow Wilson made his statement, he did not know that that great man from Texas, the distinguished Vice President, would be in the position he now occupies. Listen to what Woodrow Wilson said about the Vice President:

> He is simply a judicial officer set to moderate the proceedings of an assembly—

Up to that point his statement is not very complimentary—

> whose rules he has had no voice in framing and can have no voice in changing.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. Not even the Senator from Florida can convince me that our Vice President did not have anything to do with the framing of our rules.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. The Senator from Minnesota is not of the feeling, is he, that because the distinguished Vice President, as a former Member of the Senate and as its majority leader, was the leader in framing the present rule, he now should take a side which would lead to changing and emasculating and altering a rule which he himself helped to create?

Mr. HUMPHREY. I knew that if I got this far my good friend from Florida would help me clarify this point. He is a serious, sincere, and intelligent man. The Vice President of the United States, when he was the majority leader of the Senate, was a public figure in a very important position. Today he is Vice President, and, in his capacity as the Presiding Officer of this body, he is a judicial officer. I make the point very clearly that he does not make the rules. He did not write the rules of the Senate as Vice President. He sits today as the Presiding Officer of the Senate under the Constitution.

He will help us resolve this problem. How he will do it, only that ingenious mind of his can tell, but he will help us. I will not stand on the floor and put a great many questions to him as to how he will help us. However, I know that the Vice President wants the Senate to be a responsible, respectable, and responsive body, and he is going to help us preserve it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the Senator know that the same Constitution now prevails which prevailed when the distinguished Vice President served as majority leader of the Senate, and that his sincerity as majority leader in following the Constitution will be the same sincerity in his interpretation of the Constitution?

Mr. HUMPHREY. There is no doubt about that. I cannot be outdone in complimenting the Vice President. So let us stop right there. I do not expect to come in second best on that point. I may sometimes lose on some issues, but not when it comes to complimenting the Vice President. He deserves every compliment we give him.

The Senator from Minnesota has taken a great deal of time of the Senate. I know that the Senate will be debating this question for some time. There seems to be an indication in that direction.

Mr. HART. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HART. I know that the Senator from Minnesota is seeking to recess the

Senate on a note of less high tension than prevailed a few hours ago.

However, I wish to inject a serious note, which I believe will not cause nervous twitches in any of us.

We were discussing Woodrow Wilson. This does not have anything to do with the role of the Vice President. I believe it was about in 1910 that Woodrow Wilson expressed a very grave concern about the atrophying of the legislative branch of our Government. In a very learned series of papers he emphasized the increasing action role which the executive was playing. This was before he became the Chief Executive. He pointed to a series of events which was causing him to worry, lest the legislative branch fall into virtual disrepair and serve as nothing more than an anchor.

Behind our effort at the opening of this session of the Senate, to establish the right of the majority not alone to talk about the rules we should have but also to obtain rules that the majority seeks, there is the concern that many of us share to the effect that in the passage of 50-odd years from that expression of Woodrow Wilson—and our concern should be heightened in this respect—there have been many signs which clearly show that the legislative branch of this Government is falling further and further behind in the exercise of its role as contributing a balance wheel and not just acting as a drag.

Therefore, we are deeply sincere in our request of our colleagues that we be permitted to resolve here what the majority shall do. I, too, hope that the Vice President, with his matchless ability in parliamentary technique, will assist us in permitting this body to resolve this question, not by exhaustion, but by reason.

Mr. HUMPHREY. I thank the able Senator from Michigan. He has the ability to reach the heart of a question very quickly and concisely. I commend him.

This is the situation in which we find ourselves: The distinguished Senator from New Mexico [Mr. ANDERSON] originally tried to bring up Senate Resolution 9. It is on the calendar. It was in order that that resolution be brought up for consideration by the Senate. Therefore, he moved to proceed to the consideration of Calendar Order No. 1, Senate Resolution 9. That has been debated for many days, since January 15.

Today the Senator from New Mexico, in an effort to try to polarize the issue, to bring it to a head, and to get a vote on it, posed the constitutional question. The Senator from New Mexico moved that under the Constitution, without further debate, the Chair submit the pending question to the Senate. He said:

> I hope Senators will recognize that the responsibility is now on them to decide whether they want the Senate to adopt a rule that will be meaningful, or whether they want the Senate to continue under a rule which is such that when an effort is made to bring up a bill in the Senate, if there is objection, it can touch off a filibuster.
>
> There should be a rule which will make it possible for the voice of the Senate to be spoken fearlessly on any question before it.

I have quoted what the Senator from New Mexico said today.

The VICE PRESIDENT. Will the Senator from Minnesota permit an observation?

Mr. HUMPHREY. Certainly.

The VICE PRESIDENT. The Chair asks the Senator to read that first sentence again. The Senator is reading a paragraph from the statement of the able author of the pending question.

Mr. HUMPHREY. I shall read it again:

> I hope Senators will recognize that the responsibility is now on them to decide whether they want the Senate to adopt a rule that will be meaningful.

I understand the Vice President has made his position quite clear. The Senator from New Mexico, on this question, makes his position clear, without too much subtlety, but just enough to make it interesting.

The VICE PRESIDENT. That was not the Vice President speaking; it was the author of the motion.

Mr. HOLLAND. Mr. President, will the Senator yield for a clarifying question?

Mr. HUMPHREY. I yield to the Senator from Florida.

Mr. HOLLAND. I think the RECORD should show, if it be the fact, as I understand it is the fact, that 18 Members of the Senate do not have the power to prevent bringing debate to an end.

Mr. HUMPHREY. I hope the Senator from Florida is correct.

Mr. HOLLAND. My understanding is that with all Senators present 34 Senators are required to prevent bringing debate to an end. Am I correct or not?

Mr. HUMPHREY. It requires two-thirds of the Senators present and voting to apply cloture under present rule XXII. It would require one-third of the Senators present and voting, plus one, to block the closing of debate.

Mr. HOLLAND. It would require 34 Senators.

Mr. HUMPHREY. If they were all present and voting. Most likely they would be present.

Mr. HOLLAND. I could not understand the repeated reference to 18 Senators, because 18 have not now, never have had, and I hope never will have the power to foreclose debate.

Mr. HUMPHREY. I thank the Senator from Florida, because now he has made an admission which I think is wonderful. He is not arguing whether the number should be 18 or 34. He recognizes that the issue is not so much the numbers as the setting the rules themselves by the Senate, because he said he hoped the number would never be 18.

What figure does the Senator really believe would be a good figure, a safe figure, to protect the rights of a minority? Apparently it is 34. Some Senators feel that perhaps that figure may be a little too high. But the Senator from Florida is making it clear that he believes 18 is too low, and that 34 is too high. Some of us say that perhaps a figure in between would possibly be a little more accurate.

Mr. HOLLAND. Is it not a fact that the Senator from Minnesota has offered an amendment which is before the Senate as a proposed amendment to Senate Resolution 9, an amendment which would give power to 51 Senators to close debate?

Mr. HUMPHREY. The Senator from Florida is correct. I believe that after 15 days of debate, and before a cloture petition is effective, and within 100 hours of debate after the cloture petition, almost anything can be explained, even to slow learners.

Mr. HOLLAND. The Senator from Florida thinks that 34 is a good figure between the 51 and the 18 which have been mentioned, and will stand upon that figure.

Mr. HUMPHREY. I thank the Senator from Florida.

This is where we find ourselves:

The Senator from New Mexico filed a constitutional motion. As I recall, the Vice President responded to the effect that the issue before the Senate is:

> Does a majority of the Senate have the right under the Constitution to terminate debate at the beginning of a session to proceed to an immediate vote on a rules change notwithstanding the provisions of existing Senate rules?

We now find ourselves in the unbelievable position of arguing over the closing of debate. Our case can be rather simply put. We seek a majority vote in the Senate for the adoption of rules at the commencement or the beginning of a Senate session, so that each Senator, no matter how long he may have been here, or whatever his position on a committee or in this body may be, will have an equal right to cast his vote on existing Senate rules.

However, we find ourselves in a situation in which we can debate a motion to end debate and can kill a motion to end debate with debate.

This is most unusual. We are debating a motion to end debate. A motion to end debate can be killed with more debate or by dilatory tactics.

According to some Senators, the Senate cannot act except under the existing rule XXII; and if the argument of the opposition is to be continued and to be believed, the Senate today does not have the power of the Senate of the First Congress to adopt rules by the will of a majority.

Senators who are seeking a change, Senators supporting the Senator from New Mexico [Mr. ANDERSON] are confident that the Senate will perform its constitutional obligations and duties. We are confident that the Senate has as much authority and as much right to write the rules for the opening of the 88th Congress as did the Senators at the opening of the 1st Congress. We do not think that history dilutes the responsibility, the authority, or the obligation of Senators under the Constitution.

I heard the argument today—and it was an argument in criticism of our position—that we are seeking to terminate debate by majority vote. I say: Amen; yes, indeed; because majority vote in this body is an honorable principle and an honorable practice.

But we find ourselves in the ironical position, the paradoxical position, in which a majority vote—and I believe there is a majority in this body who want to change the rules—which is ac-

knowledged as being responsible and acceptable by all Members of this body, is being denied and obviated because of the obstruction of a minority. Therefore, terminating debate by majority vote will really not take place at all. That is, a decision by majority vote in this body will not be determined by a majority. This decision relies on the decision of a minority to permit the Senate to vote.

I make my appeal once again. I appeal to Senators who oppose us, as well as to Senators who are with us, to give us the right to vote, to give us the opportunity to vote.

If there are Senators who believe that the Anderson motion is out of order, let them raise a point of order. If there are Senators who believe the Anderson motion is unconstitutional, let them move to table it. If there are Senators who believe the Anderson motion really affects the security of this country or really affects the life of the Senate adversely, let them argue that case and permit us to vote on it.

Is there any Member of this body who thinks he has such omnipotent wisdom that he can stand in the way of the majority will, after deliberate debate, as expressed by the votes of Senators? I hope not. I call upon Senators to use their good sense, their sense of fairness, their sense of good judgment, to give us a way, to give the Senate an opportunity to vote on the issue before it. A great constitutional question is before the Senate. I cannot believe that Senators who criticize the Supreme Court, Senators who have constitutional views on every piece of proposed legislation and have no hesitancy in expressing them, will deny themselves the opportunity to cast a vote on a constitutional question. I appeal to Senators to be constitutional. The Constitution provides that a majority shall constitute a quorum for the purpose of doing business.

The VICE PRESIDENT. The Chair would like to submit the first precedent found in the annals of Congress: It is in volume 13, page 81, for November 23, 1803, and is the basis for the first precedent, which was followed by many others, but was the basis for the decision rendered earlier today.

Mr. HUMPHREY. Will the Chair read that precedent, or does he prefer only to refer to it?

The VICE PRESIDENT. The Chair will read it. In the Annals of Congress, volume 13, page 81, November 23, 1803, the following appears:

> The Senate resumed the consideration of the report of the committee to whom was referred the motion for an amendment to the Constitution in the mode of electing the President and the Vice President of the United States; where upon, the President pro tempore [Mr. Brown] submitted to the consideration of the Senate the following question of order:
>
> "When an amendment to be proposed to the Constitution is under consideration, shall the concurrence of two-thirds of the Members present be requisite to decide any question for amendments, or extending to the merits, being short of the final question?"
>
> Continued discussion noted by the reporter makes it certain that debate continued after submission of the question to the Senate and a vote was not taken until some time later.

Mr. HUMPHREY. Then I understand that the Chair is noting that the situation which prevails today on the Anderson motion falls within the precedent the Chair now quotes.

The VICE PRESIDENT. It is directly in point. So far as the Parliamentarians have been able to determine, that is where the Senate decided, for the first time, that the Senate itself would determine what the Constitution said. The Anderson motion is directly in point.

There are many times when the Senate decides whether in its opinion a bill or an amendment may be constitutional. But this decision and the decision on the Anderson motion are directly in point.

Mr. HOLLAND. Mr. President, do I correctly understand that the 1803 decision is simply the first of a long line of decisions which come down to the decision made today by the able Vice President?

The VICE PRESIDENT. That is correct.

The Chair would like to observe that the language read by the Senator from Minnesota [Mr. HUMPHREY] from Jefferson's Manual is incorporated in Senate rule XX, in paragraph 1. Jefferson's Manual is not a part of the rules of the Senate, and has no bearing; but the part read by the Senator from Minnesota from Jefferson's Manual—

> A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate—

Is the first sentence of the first paragraph of rule XX.

The second paragraph reads as follows:

> The Presiding Officer may submit any question of order for the decision of the Senate.

The Parliamentarian has informed the Chair that that paragraph does not apply to constitutional questions, because the President of the Senate must submit them, and universally they have been so submitted, without question; and the other Vice Presidents who have given opinions on the matter have said they would submit them if the question of constitutionality were raised—as it was today.

Mr. HUMPHREY. Mr. President, I wish to say to the President of the Senate, that my position was taken in light of what I believed to be the very serious nature of the decision at which we shall finally arrive on this constitutional question and on the ruling of the Presiding Officer on these constitutional questions.

I wish to make quite clear—although sometimes it is much to my embarrassment, I endeavor to be very frank about these things—that I was thinking out loud with the Vice President and with my colleagues; and I hope we can debate fully all relevant questions, and that after we have debated the question adequately, we shall find a way in which, with or without the decision of the Presiding Officer, we can resolve this question.

I have not reached any hard and fast conclusion on the question. However, it is my view that the Constitution did not contemplate having either House of Congress find itself in a position where turmoil or complete paralysis would prevail, but that we must come to a decision. Therefore we have to utilize our good judgment and our commonsense as Members in arriving at a decision. We may have to call upon the Vice President or the Presiding Officer to give us rulings which will aid us in settling the question.

I recognize that there is a difference between a constitutional question which relates to the powers of the Senate itself and a question in regard to matters which relate to a bill or a legislative proposal. I think that is a fine line which needs to be differentiated.

I shall attempt to be helpful. I have no desire to be obstinate or prejudiced.

The VICE PRESIDENT. However, the Chair pointed out that under rule XX the Presiding Officer may submit any question of order—whether constitutional or otherwise—to the Senate; and the Chair will probably follow that procedure.

The question submitted to the Senate is, Does a majority of the Senate have the right under the Constitution to terminate debate at the beginning of a session and proceed to an immediate vote on a rule change, notwithstanding the provisions of the existing Senate rules?

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum is suggested; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

BANK EXPANSION AND ECONOMIC GROWTH

Mr. FULBRIGHT. Mr. President, as a former chairman of the Senate Banking and Currency Committee, I was interested in reading an address by the Comptroller of the Currency, Mr. James J. Saxon, before the National Credit Conference of the American Bankers Association on January 22, 1963.

Whether one agrees with all Mr. Saxon's proposals or not, it is clear that he is stimulating much new thinking in the banking industry. His basic premise that banking must respond to the challenge of our economic growth cannot be denied. Too often, in the past, bankers have not responded to this challenge and, increasingly, we have found the gaps in our credit structure filled by other, more aggressive financial institutions, or government, ultimately to the detriment of banking.

As Mr. Saxon says:

> If the banking system is to foster economic growth in the fullest degree, the concept of bank solvency and liquidity must be broadened to include safeguards against inertia.

This, of course, does not mean unlimited competition, but neither does it mean contentment with the status quo.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BANK EXPANSION AND ECONOMIC GROWTH: A NEW PERSPECTIVE

Next month will mark the 100th anniversary of the formation of the national banking system. At the time the Congress provided for the chartering of national banks, one prime need was for an effective payments medium to supplant the unsatisfactory system of notes issued by State-chartered banks. In the intervening years, the national banks lost their note-issuing power, and primary attention in bank regulation shifted to the protection of depositors with all that this implies in the way of continuous supervision. Throughout the course of evolution of the national banking system, changes of policy have taken place chiefly in response to banking crises which generated demands for more rigorous limitations over banking operations. This crisis orientation has survived to the present day.

The basic need for bank regulation and supervision is as essential today as it was at the time the national banking system was founded. We now have a clearer conception, however, of the essential role of banks in the economy. What is lacking is the full application of these concepts to the structure of public control in the field of banking.

As our economy has grown, it has become increasingly evident that the commercial banking system occupies a central role in its progress. It is upon the commercial banking system that we significantly rely for the marshaling and disposition of our capital resources, and the provision of our payments mechanism. A deficiency in that financial mechanism will critically affect the rate of our economic growth.

It is often pointed out that the growth of our commercial banking system has lagged behind the pace of our economic advance. Nonbank financial institutions have come into being and prospered, to fill in some degree the gaps left by these deficiencies. Commercial banks, however, offer a wider variety of services than any one of these other financial institutions, and have a greater potential for adaptation to the growing range of new requirements. It is essential in the national interest that this key financial instrumentality should not be needlessly constricted.

There are two broad areas in which basic reforms are required if our commercial banking system is to perform with fullest efficiency its essential role in the growth of our economy. One relates to the powers which banks are allowed to exercise in the conduct of their operations. The other relates to the authority of banks to extend the area of their operations in a spatial sense.

BANKING POWERS

The present limitations over banking powers were intensively examined in the recent report of our advisory committee. That report is the subject of a panel discussion here this afternoon, and I shall describe it only briefly, and indicate the steps which we have taken to carry out the committee's recommendations.

Every significant phase of the operating policies, practices, and procedures of the Comptroller's Office and of national banks was critically reappraised in the advisory committee report. A wide range of recommendations was proposed with respect to the lending and investment powers of national banks, their trust powers, their borrowing powers, the alternatives open to them to provide needed capital, and the various details of their corporate procedures. The report also appraised the relationship of national banks to the Federal Reserve System, and the heavy penalties and burdens of mandatory membership; and surveyed the constructions imposed on the foreign operations of national banks.

Since that report was completed, these recommendations have been subjected to intensive examination within our office, and a number of steps have been taken to promulgate new policies and procedures to bring them into effect.

New regulations have been issued allowing the use of preferred stock and capital debentures as normal means of raising capital; and permitting the use of authorized but unissued stock, provision for employee stock option plans, and the appointment of a limited number of directors between annual meetings. Commencing February 1, national banks will be required to submit annual financial reports and proxy statements to their shareholders. Moreover, we are now at the final stages of developing revised regulations and procedures relating to the trust and investment powers of national banks; and the revision of the entire body of interpretations and policies set forth in our digest of opinions is substantially completed. We are also well along in the revision of the trust and commercial examination forms, and the respective related instructions to examiners. When these new instructions are completed, they will be made available to the national banks.

A broad consensus prevails in the banking community concerning the need for modification of the powers, regulations, and procedures affecting banking operations, and we have encountered little controversy in working out measures to meet these needs. There is little disagreement with the view that commercial banks require greater latitude in operations if they are to meet current and future needs for banking services.

BANK EXPANSION

The same understanding does not prevail with respect to the principles which should govern the expansion of banking facilities. While most bankers agree that added powers and broader discretion in the exercise of these powers are needed, they do not view policy toward bank expansion with the same degree of unanimity.

The cause of this difference is not difficult to understand. While some bankers with a vision of the future, and the initiative to explore new opportunities, favor liberalization of the limitations which now constrict their expansion—many others regard such a policy as a threat to their survival, or at least to their comfort. Evidence that these limitations have hampered the needed growth of banking facilities, and provided favorable opportunities for nonbank financial institutions, have not always been persuasive in the face of the hope that this need or threat would not touch them.

In resolving these issues, we must search for considerations which transcend the private interests of individual banks. These are to be found, fundamentally, in the public purposes which underlie the regulation of bank entry and the control of bank expansion.

While these limitations and controls are essentially negative in their operation, they are founded on positive objectives of public policy. Were it not for the fact that it is considered necessary to preserve the solvency and liquidity of banks, freedom of entry could be allowed in the field of banking. Reliance could then be placed solely on the antitrust laws to maintain competition and regulate competitive practices in serving the public's needs for banking services and facilities. The fact that entry restrictions are needed in order to maintain bank solvency and liquidity will not, however, justify such restrictions beyond the requirements for this purpose. Indeed, if the banking system is to foster economic growth in the fullest degree, the concept of bank solvency and liquidity must be broadened to include safeguards against inertia.

While almost every form of bank expansion has come under criticism by those who fear adverse competitive effects, much of the opposition is centered upon certain of the particular techniques employed. Viewed in proper perspective, however, it is clear that the principal concern should be to insure the adequacy of banking facilities. The need to employ particular techniques should be judged solely according to their suitability for this purpose.

NEW CHARTERS

In most circumstances, some degree of permissible entry by newly formed institutions is essential in order to provide constant access by succeeding generations of fresh talent, and so as to broaden the sources of capital and initiative through which the demands for banking services may be developed and served. Because of the vital role that banks play in the growth of our economy, it is of critical necessity to insure that new opportunities do not fail of development because of inertia in the banking system. Progress in the industrial and commercial sectors of the economy could be impaired or hampered if the financial mechanism were deficient.

Some argue that entry restrictions should be entirely removed in the field of banking, on the ground that depositor protection could be achieved without them while the public would gain the advantages of greater competition. If this were done, however, it would also be necessary to abandon direct control of bank expansion through branching and merger, and to rely upon antitrust enforcement to prevent harmful concentration of power and to regulate competitive practices. There could be no justifiable basis for allowing newly formed institutions free access to the industry of banking, while the expansion of existing institutions is directly restricted. Complete reliance upon competitive forces to determine bank entry and bank expansion, however, would greatly complicate the task of bank supervision, and weaken the safeguards provided through this form of public control. It is an indispensable part of such supervision to regulate the rate and form of bank entry as well as bank expansion.

There is, however, under present circumstances, a special reason for the chartering of new banking institutions. In many areas of the country, it has become increasingly evident that the expansion of banking facilities through the growth of existing institutions has been insufficient to meet public needs. The branching laws of many States have hampered internal growth through the formation of new branches. Nonbank financial institutions not subject to such limitations have in some degree filled this gap. But these needs have also given rise to initiative to charter new banks.

During the past year we experienced a strong upsurge of interest by new sources of capital and enterprise desirous of entering the field of banking. Well-capitalized, competent groups have been formed in many parts of the country to seek new bank charters. Chiefly, the new applications have come from the States which impose severe restrictions over bank expansion.

Of the 149 applications for new national bank charters received last year, 98 were from 13 of the States which prohibit branch banking. Thirty-five of the applications were from Florida, twenty-six from Texas, nine from Colorado, five from Illinois, and four from Wisconsin—all no-branch States. The present breadth of interest in the field of banking is indicated by the fact that 37 States were represented in last year's list of new national bank charter applications. These applications in 1962 were nearly triple the average annual applications for the pre-

ceding decade, and approximately double the highest year during that period. For the preceding decade, applications for new national bank charters were as low as 39 in 1952, and ranged between 71 and 75 in the years 1955, 1959, 1960, and 1961.

In many instances, the initial authorized capital of the newly chartered banks has been substantially oversubscribed, indicating that in the judgments of those who possess free capital, banking is an industry that offers opportunities for the profitable commitment of new funds. According to this fundamental economic test, it can thus be said that the rational use of capital in our economy calls for a greater commitment of resources to the field of banking. While this test is not sufficient to determine the proper degree of entry in a regulated industry, it does represent a significant factor in determining the need for provision of additional banking facilities.

DE NOVO BRANCHES

While present branching limitations have caused the pressures for new banking facilities to find outlets in applications for new charters, it is obvious that reliance should not be placed primarily on new charters to meet these growing needs in an industry in which competent management is not abundant. Unreasonable limitations over branching imprison established banks, and deprive the public of the skills, experience, and resources of proven institutions.

Many of the critics of more liberal branching powers equate this form of bank expansion with diminished competition. Broadened branching powers will not, however, have this effect if they are properly administered. It is not the number of banks which determines the degree of competition, but the number of points at which effective rivalry actually takes place. A series of unit banks enjoying monopoly positions in their individual communities, for example, could actually produce less effective competition than would prevail if bank expansion took place through branching by a number of institutions, each bringing to the individual community the full force of its competitive efficiency.

In determining the proper role of branching as a means of providing the banking facilities essential for our economic growth, it is also important to take account of the economies of larger scale operations. Modern technology has invaded the field of banking, as it has other sectors of the economy, and provided opportunities for more efficient operation. These technologies can be efficiently employed, however, only through larger scale ventures. Comparable opportunities also exist for the utilization of specialized personnel in the ever-increasing range of services which banks are able to perform. The task of public control is to allow opportunities for these forces of efficiency to be expressed, within the limits which must be imposed in order to preserve a balanced banking structure.

The required balance in the structure of our banking system must include provision for a variety of financial services to meet the public need. To permit the forces of efficiency to be expressed does not mean that concentration of control should be unrestricted, nor that only the large should be allowed to survive. There is a wide spectrum of public requirements for banking services, and a diversified size-structure of banks is needed to meet these requirements on an assured basis.

MERGERS AND HOLDING COMPANIES

Bank expansion may take place not only through internal growth, but also through the merger of existing institutions, and the formation of holding companies. Perhaps the most common criticism of our banking structure by foreign observers relates to the emphasis we place on the maintenance of unit banks. Those critics argue that bank expansion through new charters and new branches is often more costly than expansion through mergers or holding companies, and results in a waste of resources. These criticisms usually come from countries in which there is no tradition to maintain competition. Nevertheless, even within our own competitive traditions, there are many circumstances in which bank expansion through mergers or holding companies will be socially preferable to new charters or the establishment of de novo branches.

THE BASIC TASK

The task we face in shaping the structure of our banking system is to provide the necessary latitude for enterprise and initiative in this industry. While banking differs from other industries with respect to the degree of reliance we place on private initiative, it is alike in the need to preserve a spirit of dynamism and enterprise. Only in this way will banks be able to perform with the highest effectiveness the urgent responsibilities which lie ahead to serve and promote the growth of our economy.

The particular techniques of bank expansion most appropriate for this purpose will vary with circumstances. Unreasonable limitations over the use of individual techniques needlessly narrow the range of choices open to the regulatory authorities and to the banking community, and thus distort and weaken the banking structure. Our attention should be centered, not on these techniques, but on the public's needs for banking services. The pressures to fill these needs will not be alleviated by limitations relating to means—they will merely be diverted into channels where less effective means are available. It is pointless to devote our energies to a struggle over techniques, when our primary task is to find the best means of meeting the needs of the future.

FEDERAL AUTHORITY AND THE DUAL BANKING SYSTEM

It is necessary, in discussing the issue of bank expansion and economic growth, to consider the impact on the traditional dual structure of our banking system. Over the past months, there have been heightened fears that enlarged branching powers for national banks would pose a threat to that system. It should be clearly understood, however, that such enlarged authority could be utilized only to allow greater scope for the exercise of private initiative. This does not constitute an intrusion of Federal power, but only a relaxation of the limitations which now prevail over the operation of privately owned banks. Steps which allow banks to adapt more sensitively to the Nation's requirements will not weaken, but will strengthen, our banking system.

Extended branching powers for national banks, some fear, would bring defections from the State to the national banking system. This could occur, however, only if banks were able to operate more efficiently and to compete more effectively under national charters. It is within the power of the State authorities to provide scope for the most efficient and effective operation of the banks which they charter. Only if all commercial banks are fully empowered to meet their responsibilities, can we realize completely the opportunities for the growth of our industry and commerce.

NEW YORK DEFENSE PROCUREMENT

Mr. KEATING. Mr. President, there are disturbing indications, straws in the wind, one might call them, of a move to cut down the procurement facilities that the Defense Department now maintains in New York State. In the last 2 weeks I have received information, generally not from the Defense Department—sometimes they prefer to spring these cutbacks when it is too late even to object—but from employees who may be involved, that several procurement facilities may be closed down.

Reports have come to my attention that the New York City office of the U.S. Army Chemical Procurement District might be moved down to Maryland and that the Rochester regional office for Ordnance procurement might be closed altogether. These two moves, combined with the continual war of attrition that is being waged against the procurement activities at Griffiss Air Force Base in Rome and the particularly heavy layoffs at the New York Naval Shipyard, do not add up to a very cheerful picture. All these moves are billed as consolidations to cut down unnecessary defense costs—which no one is opposed to.

But it is beginning to look a little peculiar that all these so-called consolidations seem to take place at the expense of New York. New York facilities are being consolidated out of New York, or out of existence altogether. Try as I may, I cannot think of any of these recent consolidations by the Defense Department that have brought more personnel or more jobs into New York, even though total Defense Department personnel has increased by nearly a quarter of a million over the last 2 years.

In general, the closing of procurement offices works a particular hardship on small business. The latest figures released by the Defense Department on small business contracts indicate that in the first 5 months of fiscal 1963, small firms received 30.4 percent of defense subcontracts and 15.5 percent of prime contracts as compared to 33.1 percent and 17.2 percent respectively in the previous year. New York has many more small businesses than other States and there is no doubt that many are having a hard time.

The big outfits can always put a man on a plane to go down to Washington, or out to Texas or California—where they often have regional offices anyway—to find out exactly what contracts are brewing and how to get in on the ground floor. But the small businesses have to get what they can by mail. If there is not a regional procurement office within a hundred miles or so, they often simply lose out.

Yet it is proposed to move the chemical procurement facility from the metropolitan area of New York down to Edgewood, Md., an inaccessible spot on the edge of Chesapeake Bay, where I am willing to wager there are no chemical manufacturing firms for miles. There is a slight possibility that it might move in with another procurement office in New York City, which I have urged, and which in my judgment would be a lot more reasonable and convenient for all potential suppliers.

It has also been proposed that the Rochester Army ordnance procurement office be closed down altogether. This would mean the only New York ordnance office would be in New York City. This would be a serious hardship for suppliers

in the entire upstate and western area of the State.

Griffiss Air Force Base has long been the home of Roama, the Rome air material area which procures ground-based electronics equipment. It is a vital installation—vital to the Air Force, which requires this equipment—and vital for the economy of central New York. Yet every few months I hear about another little group that has been consolidated to California. No threat to the major mission of the base, I am always informed. But still the little chipping continues. Nothing is ever added, but bit by bit this mission seems to be purged of associated functions until I am afraid the day will come when there is nothing left and the whole air material area will be consolidated somewhere else.

It is possible that the Brooklyn Navy Yard is beginning to face the same danger. This year the Navy is making cuts amounting to an average of 2.29 percent of employment at all continental Navy yards in the United States. Yet the cuts at the Brooklyn Navy Yard will be about 2.81 percent. Percentagewise, it is the third largest cut among the 9 Navy yards involved, and numerically the cut of 350 men is the largest. This will also include the transfer of the entire battery section of the material laboratory to California—another chip at New York's facilities for doing defense work and getting defense contracts.

I am certainly not opposed to greater economy through consolidation of defense facilities, but as far as New York State is concerned, it seems to be all loss and no gain. It is, of course, up to New York firms to bid and win defense contracts. Much as I might like to, I cannot do that for them. But all of these shifts by the Federal Government make it just a little bit harder for New York firms to know what is going on before it is too late and for New York firms to get the jobs that I know they have done in the past and can continue to do.

I have called each one of these moves individually to the attention of the Defense Department and asked for full reports and information. Each move can perhaps individually be justified by one reason or another. But the sum total looks more and more like a trend on the part of the Federal Government that will make it increasingly hard for New York to keep its share of defense work and for New York firms, especially small firms, to compete. I certainly join with those who have called on New Yorkers to pursue this work more aggressively, but at the same time I call on the Federal Government to stop these chipping-away, eroding moves that in the long run can have a very damaging effect on some of the industries in our State. New York will do its part if Washington does not cut the ground out from under New York firms.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I move that the Senate stand in recess until tomorrow, at 10 a.m.

The motion was agreed to; and (at 6 o'clock and 7 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, January 29, 1963, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate January 28 (legislative day of January 15), 1963:

DIPLOMATIC AND FOREIGN SERVICE

Edward M. Korry, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia, vice Arthur L. Richards.

EXTENSIONS OF REMARKS

The Need To Encourage Our System of Government-Free Education

EXTENSION OF REMARKS
OF
HON. JOHN W. BYRNES
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mr. BYRNES of Wisconsin. Mr. Speaker, on January 9, 1963, I introduced a bill, H.R. 49, to provide a tax credit for amounts paid on account of tuition, fees and similar educational expenses at a level above the 12th grade. I first introduced this bill in the 87th Congress—H.R. 12771, 87th Congress, 2d session. I am reintroducing it in the belief that its enactment is vital to the continuance and further expansion of our present educational system.

Under the bill a taxpayer would be permitted to reduce his taxes equal to 20 percent of the cost of such educational expenses for the taxpayer or his dependents.

A tax credit of 20 percent has the same effect as the deduction in full of educational expenses for a taxpayer being taxed at the rate of 20 percent. This is equivalent to allowing the full deduction of educational expenses for a taxpayer in the first tax bracket.

An outright deduction for educational expenses would be of no benefit to more than 37 million taxpayers, who elect either to use the tax tables or to take the statutory standard deduction instead of itemizing their deductions. By the use of a credit, however, such taxpayers will be in a position to avail themselves of the benefit of the educational tax credit in their returns and also use the tax tables or standard deduction in the computation of their tax liability.

Many of my colleagues in this body have likewise recognized the need to encourage further growth of our educational system through tax incentives to the individual. In the last Congress alone, there were approximately 100 bills introduced which would have provided some form of tax relief for educational expenses.

Our educational system, free from Government control, is one of our greatest national assets. It is essential to encourage the expansion of that system, and to make its benefits available to the greatest number of people. This bill will aid in the attainment of that objective.

Loans for Students

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mr. TOLL. Mr. Speaker, I have introduced a new bill in the 88th Congress—H.R. 1978—to increase the funds which the colleges and universities can get for loans to students. The bill will double the amount which the institutions of higher learning will have available for loans to needy students. In the 87th Congress, Representative Bailey, of West Virginia, had a similar bill which did not reach the floor.

I hope that the Committee on Education and Labor will give immediate consideration to my bill or to any similar bill which may have been introduced. The universities and colleges are unable to meet the requests for loans which are made by needy students. The National Defense Education Act program, involving loans to needy students, is acceptable to and supported by all groups interested in higher education. It provides for the return of the public funds loaned, with interest. It contains special benefits for loans to students who are preparing to be teachers so that the teacher shortage can be overcome. The programs for education are vital to the welfare of our country. Many States and cities are cooperating in a splendid manner with education grants, but these sources cannot begin to adequately solve the problem. This Congress can be a tremendous help if the loan program can be doubled at once so that needy students can be helped immediately.

The Power of Belief

EXTENSION OF REMARKS
OF
HON. ESTES KEFAUVER
OF TENNESSEE
IN THE SENATE OF THE UNITED STATES
Monday, January 28, 1963

Mr. KEFAUVER. Mr. President, several of us in the Senate were privileged to hear a most inspirational address by our colleague, Senator CLAIBORNE PELL, delivered at the Old St. John's Church, Georgetown, on January 13, 1963.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TALK DELIVERED AT OLD ST. JOHN'S CHURCH, GEORGETOWN, ON SUNDAY, JANUARY 13, 1963, BY SENATOR CLAIBORNE PELL, OF RHODE ISLAND

From the time I was confirmed until I graduated from college, I occasionally contemplated entering the clergy. I used to think, and still think, that the pulpit can be a most wonderful podium from which to change the course of events for the better. But I am afraid I had neither sufficient determination, nor virtue, to follow through with this interest.

So, following a rather indirect route, I became a politician. However, I believe that a politician can also be a force for good, because a good politician—and remember a politician is never a statesman until he is dead—a good politician is also driven by the desire to help and to lead. If we weren't, we'd be doing something else, and usually something a lot more profitable. And, so I am very, very glad indeed to be standing here talking with you now.

Today, when we hear so much about the balance of power, yes, the balance of terror, I would like to discuss the tremendous weapon that we of the West have and the Communists do not have.

To my mind, it is a weapon that can more than hold its own with nuclear missiles over the long haul. Although it must be confessed, the decisiveness of the nuclear missile over the short haul would be pretty decisive.

This weapon is religion. It is a universal weapon, too, because when I say religion, I am not just thinking of a particular faith, nor am I thinking of Christianity with all its rich intermixture of faiths, but I am thinking of religion in general and the common belief of certain origins and certain values.

I wonder how many of us have stopped to think that it can be said that Jesus Christ, Mohammed, and Moses are all descendants of Abraham. I believe one could actually trace out a genealogical cousinship, a consanguinity, between these three. It is quite interesting, incidentally, to see with what pride the Moslems consider themselves of the same general religious family as do the Jews and the Christians. I guess this all goes to show that Senator Austin's plea at the Security Council to the Israelis and the Arabs to settle their problems in a truly Christian spirit, may not have been such an unattainable idea after all.

Then, on a more universal scale still, many comparative religions not only show the same misty origins of the world starting with the Great Flood, but will also show a surprising similarity in values, values that oppose the Communist ones: the importance of loving, the importance of generosity, and, perhaps, the greatest difference with the Communist bloc, belief in the afterlife.

Let us see now, the role of religion in the uncommitted, undeveloped areas of the world such as Africa—particularly sub-Sahara Africa and southeast Asia. Here we have a very specific debt to the missionaries.

Until I made a trip to Tanganyika some time ago, I had always given a very long look at the activities of missionaries since I was under the impression that they were often disliked by the people of the emerging nations and regarded by them with great suspicion.

However, my trip to Africa deeply impressed me with the great educational and medical contribution made by missionaries there. In Tanganyika alone, I found that there were 400 American Christian missionaries, or 20 times the number of American Government personnel in that country. In fact, in tropical Africa, as a whole, there are close to 10,000 American missionaries. This is a number more than a thousand percent higher than the 773 American Government personnel there.

Another way of looking at it, and an even more impressive figure, is the realization that there are 23,000 missionaries of all nationalities, including Americans, in tropical Africa, approximately 6,440 Catholic and 15,970 Protestant.

These dedicated men and women may handle very high caliber education, as is the case with the Anglican St. Andrew's School outside Dar-es-Salaam, Tanganyika, where the graduates are able to compete on an equal basis with youngsters finishing the best English school at home. Or, as is the case with the majority of missionary schools, the education may be more simple and elementary, giving the students a basic knowledge of reading and writing. But, no matter what may be the particular level of missionary education in Africa, without it, that continent would be undergoing far greater turmoil and internal strife than is now the case.

In this connection, it is interesting to notice that 16 heads of state and prime ministers of the newly emergent nations of tropical Africa received their education in full or in part in missionary schools. In fact, with only a single exception, every African head of state or prime minister in tropical Africa who is not a Moslem was educated to some degree in a Christian missionary school.

Moreover, in those countries not yet independent, we find the leaders equally owe their education to missionaries.

Altogether, a total of 35 men are included. Of these 35, Christian missionaries educated 25. Catholic missionaries educated 17, and Protestant missionaries educated 8.

In the remote vastness of the mountain lands in the periphery of Communist China, there are many American missionaries, including incidentally, a goodly number from my own State.

In general, in the area of missionaries, our Protestant Episcopal Church is not seen as much in the Far East as others.

Now, let's examine the situation of religion behind the Iron Curtain. Here, I would like to cite two differing views on religion.

The first you are familiar with—Karl Marx's dictum that "religion is the opiate of the masses." But, I believe more in the words of Bela Udvarnoki, who, in an article in Christianity Today last July said, "Man is incurably religious."

The fact, I think, that man is incurably religious is our great secret weapon against the Communists. It is secret only because we are not sufficiently aware of it and do not recognize its importance and strength.

There is another interesting set of circumstances behind the Iron Curtain and that is that in Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Yugoslavia, appropriations of one sort or another are actually granted by the atheistic governments for church or parochial schools.

Religion, too, is a means of expressing their feelings toward communism by the unhappy people behind the Iron Curtain.

Having lived and traveled in Czechoslovakia, Poland, and Hungary since these countries have fallen behind the Iron Curtain, I am always struck by the intensity and fervor with which religion is practiced there today. I can remember, in the churches before World War II, the people attended but they did not attend and pray in the same numbers and with the same intensity.

Yet, I recall that shortly after the Communist coup in Czechoslovakia, the church parades on Saints' Days and Sundays suddenly became two or three times as long as they had been before. Why? Because this was a way for the people to show how much they opposed communism.

In Poland, President Gomulka and the Communist regime have had to accept the church and the practice of religion by the vast majority of Poles.

Cardinal Mindszenty, still in our Budapest Legation, remains a symbol to many of the Hungarians, and the churches there, too, are crowded on a Sunday.

Even in the Soviet Union, religion is reemerging a bit more than we realize. The atheism that for two score years has been forced upon the young scientists and the intelligentsia of the Soviet Union does not give the logical answers as to what caused human life: in essence, why are we, and to the question of the afterlife.

The best description of the beliefs of the younger Soviet scientists was offered by V. Tenoryakov when he said, "I do not imagine God as he is depicted on icons. To me, God is a sort of spiritual principle, the stimulus to the evergreen of the galaxies, the stars, the planets, and of everything which lives and reproduces on these planets, from the most elementary cells up to man."

Now, how exactly is religion doing in the Soviet Union? I was there a few years ago and took the opportunity to go through two of the five religious seminaries and two academies that are there. I found that almost 80 percent of the new babies in Leningrad were being baptized. Though, I must confess that in general, I don't believe the babies were being baptized because of their parents being true believers as much as an insurance policy being taken out by the parents in case there was an afterlife.

Just as Khrushchev has followed policies that differ from Stalin's, so the Russian Orthodox Church has tended to become more ecumenical under the direction of Archbishop Nicodemus who succeeded Metropolitan Nicolai.

A rough estimate in the Soviet Union today is that there are some 50 million believers out of a population of 215 million and some 20,000 churches.

The atheistic pressure of the Soviet Government is directed more against the Baptists, and other fundamentalists, than the Russian Orthodox Church, and this was underscored by the sad plight of 32 Evangelical Christians who sought sanctuary in the American Embassy the other day. There is even more pressure being brought against such faiths as Jehovah's Witnesses and the Seventh Day Adventists.

Religion then is one of the principal reasons why it is that communism has the seeds of its own disintegration and destruction within itself. Man is innately religious, and communism goes against his innate human nature in this, as in every way. Under communism, he can't talk freely, work freely, travel freely, collect property freely and, most important, his religious freedom is violated.

So, I believe that it is religion, particularly Christianity, that will play a principal role in the eventual erosion of communism.

Now, for a final moment, let us look inwardly at ourselves. Religion in the United States is presently at a record high. Statistics published in October 1961 showed U.S. church membership at a record high of 114,449,217, or 63.6 percent of the total population of about 180 million.

The breakdown was 63,668,835, Protestants; 42,104,900, Catholics; 2,698,663, Eastern Orthodox, 5,367,000, Jews; 589,819, Old Catholic, Polish National Catholic, and Armenian Apostolic; 20,000 Buddhists.

Yet, in their annual statement in November the U.S. Catholic bishops warned of a "widespread moral apathy" in America touching virtually every group. They said this makes it vitally necessary for Americans to "make open profession of religious beliefs and moral convictions."

In conclusion, then, as well as weapons in our nuclear arsenal, we can each help forge the principal and most permanent weapon we have—religion—and especially, Christianity.

Let us remember, too, the thought expressed on a plaque in a church in my neighboring town of New Bedford, "Church is a hospital for sinners; not a haven for saints."

We sometimes tend to become a bit too smug. We preach a good life, but practice it too little. We listen to fine words on the Sabbath, but do not always practice them in the remaining 6 days of the week. For instance, there are far too few applicants for the Peace Corps. We, as parents and leaders in our community, could do a lot to see that more applied.

So, I guess the only thought I would like to leave is the hope that throughout the week we may try to believe in our hearts and practice in our lives the words which we have heard with our ears and said with our lips on the Sabbath.

Resolution To Create a Select Committee on Arms Control and Disarmament

EXTENSION OF REMARKS
OF
HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mr. ROSENTHAL. Mr. Speaker, I am today reintroducing a resolution to create a Select Committee on Arms Control and Disarmament in the House of Representatives. I had originally proposed the creation of such a committee during the last session of Congress, and hope that it will be possible to obtain prompt consideration of the legislation during the current Congress.

This resolution provides that the committee would be composed of 13 Members of the House of Representatives chosen for their special knowledge of foreign affairs, armed services, atomic energy, science, and astronautics. The committee would be authorized to conduct a full and complete investigation and study of proposals for arms control and disarmament including, but not limited to, first, efforts made by the United Nations in seeking the control and reduction of military forces and armament of all types; second, disarmament proposals developed by the United States and other governments as well as by private groups and individuals; third, methods by which the attitudes of the American people and their Government on the subject of disarmament and world peace may be communicated abroad; fourth, the relationship of armaments to the state of the world economy; fifth, the relationship of underlying international tension to the problems of disarmament; sixth, the dangers implicit in unilateral reduction of armaments; and, seventh, methods of assuring that plans for reduction of armaments shall not endanger the security of the United States.

I realize that any proposal to create another standing committee would probably meet with some difficulty and with much reluctance on the part of many Members of the House. Therefore I ask that a select committee be set up to stimulate discussion and consideration of one of the most pressing issues of the day—that of arms control and disarmament.

Creation of such a committee would be a desirable and necessary first step to reduce the grave possibility of nuclear war, because it would emphasize the efforts being made by the United States in its current negotiations with the Soviet Union to end nuclear weapons tests. I think we have all been heartened by the recent exchanges between President Kennedy and Soviet Premier Khrushchev, and by the temporary halt in U.S. underground atomic tests, announced by the President the other day, which is another step in the direction of world peace. I fervently hope that the further discussions which are due to take place in New York this week will bring us even closer to an agreement on a nuclear test-ban treaty at the Geneva meetings next month. Establishment of such a committee would have a tremendous impact on world opinion, and would demonstrate for all to see that the Congress of the United States is completely in accord with the efforts of the President to reduce the possibility of thermonuclear war, which could destroy us all.

I certainly hope that this resolution will warrant the consideration and support of each and every Member of the House.

Remarks of Vice President Lyndon B. Johnson at the Democratic National Committee Luncheon, January 19, 1963, Sheraton-Park Hotel, Washington, D.C.

EXTENSION OF REMARKS
OF
HON. MICHAEL J. KIRWAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mr. KIRWAN. Mr. Speaker, it was my pleasure to attend a recent luncheon of the Democratic National Committee and hear our distinguished Vice President make a stirring speech on the philosophy and role of the Democratic Party over the years. I urge my colleagues to read this wonderful expression of the belief and guidelines of politics as enunciated by a man who adopted them as his way of life. It follows:

I have never ceased to be amazed by the dedication of the loyal Democratic Party workers who give so freely of their time and their energies to a cause. To me, this is one of the true strengths of a free people.

You have put aside your affairs and traveled hundreds, and even thousands, of miles to strengthen the party. And you have done so only because you believe in goals which are over and beyond your own, individual interests.

A democratic form of government can exist in the modern world only if people organize themselves to make a point of view effective. Without that organization, government becomes the exclusive province of a small group of officials who have succeeded by one means or another in capturing power. And government that is exclusive is exclusive of the people.

There is a cynical view which holds that politics is the art of organizing to seize power. In our country, I believe, it is the art of organizing to achieve goals that will serve the people.

You and I have chosen the Democratic Party, because we have faith in its dreams and aspirations. And, as we close out the books on the first 2 years of a Democratic administration, I feel we can conclude that our faith has been justified under the leadership of John F. Kennedy.

President Kennedy likes to trace our party's beginning back to 1791, when Thomas Jefferson and James Monroe went from Virginia to New England on what they called a botanizing excursion. The seeds they planted on that trip blossomed almost immediately, and the plant still bears fresh fruit every year in the form of new leaders, new ideas, new accomplishments, and new victories.

We are here as members of the world's third oldest party, and we were a going concern when the English Whigs and Tories were merely the political arm of a few established families.

I never tire of telling people why I think we have remained in good shape for so many years. There is a lesson in this great political success story, and the better we remember it the more effective we will be when we leave Washington and return to our homes and the voters, the real source of our party's strength.

Franklin Roosevelt once said that the Democratic Party would be the majority party as long as it belonged to the people. He went on to describe our party as one that believes "in the wisdom and efficacy of the great majority of the people, as distinguished from the judgment of a small minority."

Our party, Roosevelt said, also "believes that, as new conditions arise beyond the power of men and women to meet as individuals, it becomes the duty of the Government itself to find new remedies with which to meet them."

These are principles of constant change—as man's needs are constantly changing. But they are firmly rooted in stable and fruitful soil.

To begin with, we Democrats are not an exclusive party. If this country was founded as a haven where all who believe in liberty could come, live together in harmony, and try to make their lives better, then it follows that a party which hopes to lead the country must believe in these things, too.

So we Democrats have always been the one great national political party, made up of people from all sections, all classes, all races, all religions. From the outset, we have been the party that has met the immigrant at the dock and helped him to become a citizen—just as it reached out a helping hand to the sharecropper, the working man, the student, and the businessman.

But we knew that this was not enough. Jefferson said that the only healthy republic was one of educated citizens, each with a stake in his country's welfare. So we believe in educating each American to the utmost of his capacity. So we believe in the right of every American to have an equal chance to contribute his talent to our country.

Our foreign policy has been equally uncomplicated down through the years. We Democrats, of course, believe that in a world of aggressors our country can only remain free by remaining brave, by remaining strong. But we do not arm for conquest. We arm to maintain freedom and preserve peace.

But we also believe that "the best way to have a good neighbor is to be one." This is

the basis our historic reciprocal trade policy, which encourages commerce among all the nations of the globe. It is the basis of our support of the United Nations in its painful quest for world order, and of our support of programs which help others to help themselves.

These principles, as you can see, are neither numerous nor hard to understand. But they have lasted, and our party has lasted with them.

When I entered politics, some 30-odd years ago, I found my natural home in the Democratic Party. It wasn't hard for me to join—I was born one.

I found it easy to remain in the Democratic Party because my deepest personal political principles were at home there.

I believe that it is the politician's first duty to hold his country together, to appeal to the forces that unite us, and to channel the forces that divide us into paths where a democratic solution is possible. It is our obligation to resolve issues—not to create them.

None of us will ever live to see our country perfect, just as we will never live to see ourselves perfect. But we can try—and if we leave the world a little better than we found it and if we die with a little more understanding than we had when we were born, we are doing all right. I have found that being a Democrat has helped me to try to do both.

Our work is made easier because during the past 2 years, we have had a man in the White House who has dedicated his life to advancing the cause of freedom and social justice in every corner of our land and in every corner of the globe.

John F. Kennedy has taken the principles of the Democratic Party and has applied them to solving the world's problems.

Because our administration believes in strength, freedom is stronger everywhere in the world. We have pulled the fangs of the Cuban rattlesnake—and made it clear there were no limits to our determination to defend our security.

By calling the bluff in Cuba, we made freedom in Berlin and southeast Asia that much surer. And, where a few short years ago the Communist world was solid and united, its major preoccupation today is a bitter internal quarrel between its two most powerful leaders.

Because we believe in collective security and in being a good neighbor, we have supported intelligent trade, the Alliance for Progress, the Peace Corps, and the United Nations.

Because we believe in solving problems, we are seeking to bring our economy to full capacity, so that every American capable of holding a job or a place in college attains those goals; so that the senior citizens among us need no longer feel the crippling financial effects of lingering illness, and so that our great metropolitan areas are made livable for the overwhelming majority of Americans who reside in them.

The Democratic Party has grown in recent years because the people know it is the best vehicle for carrying out their hopes for a better world. We have gained this confidence for three reasons.

First is our history, our principles, and our present program.

Second is our willingness to work long and hard for what we believe in. We know that human needs change, and we must plan for the future. But also we know that current needs must be solved. We are trusted because we have the eyes to see what must be done and the courage to do it.

Third is the kind of people our party attracts. I mean more than the tens of millions of voters—a vast majority, by the way—who consider themselves Democrats. I mean the kind of people—the hundreds in this room and the millions of people to whom we will carry the message when we leave here—who hold our party together.

So I would like to thank you again, in behalf of the President and myself, for what you did for us in 1960; for what you did last year; and for what you will do next year to help elect the Democratic candidates for President and Vice President—whoever they might be.

We will meet again next year to choose those candidates. If the Democratic Party holds true to the country, and if we hold true to our party, we will have doubly earned the victory that will be ours.

Washington Report

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1963

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of January 26, 1963:

WASHINGTON REPORT

(By Congressman BRUCE ALGER)

THE PRESIDENTIAL MESSAGES

The economic report and tax messages of this week, as well as the earlier state of the Union and budget messages are sick documents, as I see it. Realizing this, I have offered my own general analyses in the CONGRESSIONAL RECORD following each message, respectively.

Economic report

"Governmentitis" is the sickness. Keynesianism, that is, modern socialism, is described in detail. The deficit specified as $11.9 billion likely will run up to $20 billion or more. The President's four reports to Congress under the Employment Act of 1946 were: (1) Economic conditions; (2) foreseeable; (3) economic expansion; and (4) program for carrying out policy. Both the original act and the President's report carry all the language necessary for total control of the U.S. economy by the Federal Government.

Items from the report:

(1) Unemployment is still too high. Unmentioned are these factors: (a) Everyone over 14 years of age having requested work but unemployed are carried on the roles; (b) in a free society of 185 million there will always be several million unemployed.

(2) Gross national product and growth should be greater. Implicit in such statements is the assumption of our President that there are certain mandatory growth amounts in a free society, that he knows them, and that the Government can and will change them by Federal mandate. Unmentioned and/or unrecognized is the stultifying effect of Government redtape, control, and burden now on our private economy. The President confuses Government's role with the voluntary actions of millions of citizens and the Chief Executive's role with that of the Almighty.

3. The 1961–62 historical analysis is inaccurate. He characterizes the social security program as antirecession legislation which it is not; public works pumppriming as healthy economic growth; public housing and urban renewal as aids to recovery which, with Federal aid and deficits, they are not. The bugetary policy shift is explained, into deficits, and we are told to disregard as fallacious current fears over inflation on the one hand and gold outflow on the other, both endangering the value of our currency. Deficits are defended as prelude to wealth.

The President defended again: (1) the need for Executive quickie tax cuts at his pleasure and, (2) quick and massive public works expenditures (the second Congress passed last year—but not the first) and outlined for all to see a blueprint for dictatorial power.

So I presented then and now, a constructive program, quite revolutionary to some, of: (1) Balanced budget; (2) surplus accumulation; (3) debt reduction; (4) tax reform as part of my legislative cures for our economic sickness.

Tax message

The tax message carried further earlier references in other statements concerning tax reform and reductions, but still dealt in generalities instead of being in legislative form: $13.6 billion total tax cut, $11 billion individual and $2.6 billion corporate, with $3.4 billion recovered by increased taxes in various areas.

These are some of the suggested areas: (1) Reduce current 20 to 91 percent bracket percentages to 18½ and 84½ this year—next year down to 14 to 65 percent, respectively; (2) reduce 52 percent corporate to 50 percent first year and further to 47 percent; (3) change capital gains both in time property held and percent rate resulting in slightly lower rates; (4) repeal $50 exclusion and 4 percent tax credit on stock dividends over $50; (5) tighter tax rules surrounding oil and mineral depletion; (6) speed up quarterly payments of corporations; (7) eliminate individual deductions under 5 percent of income not permitted (instead of present 10 percent or $1,000).

The tax message has been referred to the Ways and Means Committee. Hearings open to the public for several weeks will be held starting February 6 followed by executive sessions by the committee.

FUNDAMENTAL FACTORS

Basic factors to be remembered: (1) Tax cuts should be matched at least by Government spending cuts and not divorced; (2) deficits lead to debt, not the wealth as the President foresees; (3) contrary to the President's avowed belief, inflation and gold outflow are twin dangers we must not disregard. Currency devaluation is inherent and would sabotage our economy.

Specific tax factors to remember: (1) Corporate taxes are passed on in higher prices to consumers; (2) corporate taxes drop automatically this year to 47 percent—Congress is being asked to keep them up in order to cut them starting next January; (3) speedup in tax payment—stricter law, more regulations—are not incentives to investment as heralded; (4) 1 million are being taken off the tax roll; (5) individual deductions elimination will increase taxes for everyone by that amount; (6) medical expense and drugs less deductible is Federal coercion of people to support the President's medicare program; (7) less charitable deduction is more Federal coercion for Federal aid to replace charitable help, while foundations' tax-free operations are overlooked; (8) double taxation is increased by removal of stock dividend and credit.

FLAT PERCENTAGE TAX

Tax reform as I see it, to be fair must move to the flat percentage tax, paid equally by all people. That is my proposal. Meanwhile, our hodge-podge is further scrambled, not fair, not equitable, not an incentive, while the monstrous sabotage of private enterprise—Federal deficit planning and control of our people—is perpetrated. In the President's language "Tax reform * * * will stimulate growth and steer income or investment into areas which better serve the national purpose." By whose judgment I now ask? I believe individuals are entitled to what they earn, not to have Federal planners

take it in taxes and replan individual lives in a society conforming to the planners' ideas and concepts of what's best for people.

CURRENT EVENTS

Current events, via Presidential action and statement: (1) Bay of Pigs fiasco. What really happened? Lesson learned: Tragedy of managed and manipulated and censored news by White House mandate; (2) surveillance of Cuba by U–2 proudly acknowledged by our President is same Communist surveillance for which Democrat leaders denounced President Eisenhower; (3) President wants to extend trade with Poland and Yugoslavia, saying "Trade really is better in this case than aid," never thinking apparently that both are wrong, and that both must be terminated.

Elsewhere this week the United States is displaying brinkmanship on the edge of danger in encouraging: (1) Nuclear test ban without adequate inspection; (2) capitulation to labor demands in the dock strike via Federal mediation; (3) seeking of more Socialist advice (beyond Walter Heller, the President's chief economic adviser), by soliciting Socialist Gunnar Myrdal's counsel, who admits big Government's spending leads to inflation and therefore we need price and investment control.

PREDICTIONS

Predictions department: Present United States course will lead to: (1) Devaluation of currency through inflation and reduction of gold backing; (2) price control; (3) increased wage control, more than at present; (4) full managed economy.

How does all this tie in and is it affected by the statement of Arthur Sylvester, Assistant Secretary of Defense: "That it's inherent in that Government's right, if necessary, to lie to save itself when it's going up into a nuclear war. This seems to me basic—basic."

Let's hope our country wakes up in time.

Once again the Dallas Federal Building is in the news with the usual misunderstanding or misinterpretation of what happened. The Democratic leadership has admitted that the building has been held up for political reasons. The record proves I have done everything that is ethical and possible to have this project included in the budget.

House committee appointments: The appointment of ED FOREMAN to the powerful Armed Services Committee in his first term shows recognition by the Republicans of the importance of the South and is a real tribute to ED's qualifications as a Member of Congress.

Let's Keep the Record Straight—A Selected Chronology on Cuba and Castro

EXTENSION OF REMARKS

OF

HON. DON L. SHORT

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1963

Mr. SHORT. Mr. Speaker, year before last, on May 23, 1961, I placed in the CONGRESSIONAL RECORD an article entitled, "A Selected Chronology on Cuba and Castro." The Library of Congress had prepared this for me, at my request, in order for me to keep the events taking place in Cuba in their proper sequence.

Since that time the Library of Congress has continued to keep this chronology up to date and I now wish to follow up my original action by placing the later continued story in the CONGRESSIONAL RECORD on 5 consecutive days, beginning today.

I am doing this because of the renewed controversy over who did what and who did not do what they should have with regard to our U.S. policy toward Cuba. Our Attorney General, Robert Kennedy, has made it a point to come up with some fairly myopic remarks during the course of an interview by the U.S. News & World Report on January 28, 1963, published under the title of "Robert Kennedy Speaks His Mind."

I used the word "myopic" because I feel his viewpoint is rather nearsighted, to say the least, as far as the Cuban issue is concerned. Let me quote a portion of his remarks to indicate why I feel this way:

Question. Do you feel that the latest Cuban crisis was a lesson to the Russians?

Answer. I think it makes a great difference because that's the first time that the power position and determination and energy of the American people and their Government—all of this had been brought to bear.

Now I suppose we cannot really blame Robert Kennedy for wanting his brother's administration to stand out as the one which singlehandedly solved the Cuban issue. However, a review of the chronology I previously inserted will prove that former President Eisenhower took, and attempted to take, some steps which would have shown the power position and determination and energy of the American people and their Government. Attempts have repeatedly been made by many of those around the President to blame the Cuban problems on the Eisenhower administration. I feel the American people are entitled to something more than that sort of demagoguery. Space will not permit my quoting some of the actions taken by President Eisenhower, but again I commend the former chronology on Cuba to the Members and the public's attention.

While a candidate for the Presidency, then Senator Kennedy called the October 19, 1960, embargo on all exports to Cuba, with exception of medical supplies and various food products—placed by President Eisenhower—"a dramatic but almost empty gesture—a gesture which will have so little impact on Castro as to be almost meaningless." Yet President Kennedy on February 3, 1962, proclaimed an embargo on almost all U.S. trade with Cuba, with the exception "on humanitarian grounds" of the export to Cuba of certain foods and medicines. His feelings as President seem to be greatly different than his feelings as Candidate Kennedy.

Again, Candidate Kennedy on October 6, 1960, made a speech at a Democratic dinner in Cincinnati, Ohio. Exhibiting a detailed knowledge of Castro's attempts to carry his revolution through South America, Mr. Kennedy stated:

The American people want to know how this was permitted to happen—how the Iron Curtain could have advanced almost to our front yard. They want to know the truth—and I believe that they are entitled to the truth.

The American public for some time now has longed to know the truth about the failure of the Cuban invasion and our part in it. Statements made by Bobby Kennedy, and backed by the President cover only the small issue of whether we promised air cover or not. But a statement by Manuel Penabaz, a veteran of the Cuban invasion, does not back up this supposed "official report."

Former President Eisenhower, by no means a man who could ever be called a demagog, stated on December 22, 1962, that he believed the truth is a far better weapon in the cold war against communism than managed news. He stated further that he has no reason to think the American people have not been told the truth on the Cuban situation, but he noted that he doesn't know all the facts. He stated further that he sees no reason why the administration should not now release a full and official version of what happened in the disastrous attempt to invade Cuba in April 1961. The Bay of Pigs invasion is now history, he said, and the official story should have been told long ago.

On April 24, 1961, Presidential Press Secretary Pierre Salinger declared in a statement to the press that President Kennedy "assumes sole responsibility for the U.S. role in the action against Cuba."

Yet on May 24, 1961, President Kennedy, in discussing the tractors-for-prisoners ransom demand of Castro, in which he declared the U.S. Government would not negotiate with Cuba to ransom the prisoners, stated:

These men were trained and armed for this invasion by the Eisenhower administration. The signal to let them go and the means to get them there were given by the Kennedy administration. The United States still has a responsibility for those lives.

Now, former President Eisenhower, on January 24, 1963, says no plan was drawn up during his administration for a U.S. air cover for a refugee invasion of Cuba. He added however that he had "no kick with the plan" for air cover for the invaders. "If that had been done," he added, "that might have made the difference, because once these forces were ashore, ready to take care of themselves, it might have been easy to get more reinforcements through from the island itself and, finally, to recognize a government there."

Is it any wonder that Members of Congress, the public, and the press would like a truly official report of what happened? The Congress, you will remember, took some pretty strong actions itself in passing resolutions and legislation aimed at solving the Cuban crisis. They took these actions because they were close to the American grassroots opinion. They knew the American public wanted something done, that it was tired of speeches and soothing words, promising action but taking none. Those who trouble to read the original chronology on Cuba and Castro and follow through my continued chronology will refresh their memory on some of the events, as reported, on the Cuban situation. And perhaps the congressional investigations suggested and promised will make the official actions clear to the American public.

I believe we can depend upon the commonsense and good judgment of the American people to know and recognize partisan politics when they see it played. And if the administration truly desires a bipartisan foreign policy and the continued support and encouragement of the American public and the Republican Party, it should remember that we do not intend that former President Eisenhower should be labeled directly or indirectly as a weakling by any member of the Cabinet, regardless of relationship to the President. This man, whose name has always been synonymous with honor, bravery, and love of his country, does not hesitate to call for support of the President's foreign policy. And he is not afraid of the truth or an "official version" of what took place on the Cuban issue.

Let me say that neither the Kennedy administration nor the minority party nor the majority party are doing themselves, or the public, justice if this matter is allowed to fall and rest in the area of purely partisan politics. The public, who gave the President complete, enthusiastic, and unequivocal support at the time he announced the "quarantine" of Cuba could well lose its enthusiasm for further support of this administration if they are denied the truth, or given half-truths or distortions.

And that is why I am including, Mr. Speaker, with my remarks today, a second portion, covering the period between May 20, 1961, through September 13, 1961, of the "Selected Chronology on Cuba and Castro," and every day hereafter a continuation of the chronology for a total of 5 consecutive days.

We want to keep the record straight.

A SELECTED CHRONOLOGY ON CUBA AND CASTRO [1]

May 20, 1961: A committee of U.S. citizens, headed by Mrs. Franklin D. Roosevelt, Walter Reuther (president of the United Auto Workers), and Dr. Milton Eisenhower, is formed to raise the funds to provide the 500 tractors. "President Kennedy was reliably * * * reported to have personally asked three prominent private citizens * * * to organize the 'tractors-for-prisoners' exchange with Premier Fidel Castro of Cuba" (New York Times, May 24, 1961).

May 24, 1961: President Kennedy urges all Americans to contribute to the purchase of the 500 tractors.

June 2, 1961: Tractors for Freedom Committee informs Premier Castro that it is ready to send the 500 tractors in exchange for the 1,214 prisoners. The committee gives him until noon June 7 to accept the offer.

June 6, 1961: Premier Castro suggests that his prisoners be exchanged for "political prisoners" allegedly held in jail in the United States, Puerto Rico, Guatemala, Nicaragua, and Spain. He also demands that Mrs. Roosevelt or Dr. Eisenhower, two of the leaders of the Tractors for Freedom Committee, come to Havana for further negotiations.

June 7, 1961: Cuban Government nationalized education.

June 8, 1961: Tractors for Freedom Committee offers to send six agricultural experts to Havana to discuss details of the types of tractors to be sent in exchange for the prisoners. The committee also announces that it is prepared to send the first consignment of 100 tractors to Cuba by June 22. Premier Castro accepts the offer the next day.

June 14, 1961: Experts confer with Premier Castro. He now demands tractors valued at $28 million, the equivalent of 1,000 farm-type tractors or 500 heavy-duty construction tractors, and will exchange them for 1,167 prisoners instead of the 1,214 he had originally offered to trade. He explains that the difference is due to some fatalities, special trials he plans, and other reasons.

June 19, 1961: Tractors for Freedom Committee in Detroit cables reply to Premier Castro. They give him until noon June 23 to decide whether he will accept 500 farm-type light tractors in exchange for the 1,214 prisoners he originally offered to trade. If he refuses, the committee will return the funds it has collected to the contributors.

June 26, 1961: Adlai E. Stevenson, President Kennedy's special envoy to Latin America and U.S. Ambassador to the U.N., declares at the National Press Club in Washington that during his recent trip to Latin America, Cuban agents preceded or followed him for propaganda purposes.

June 28, 1961: Florida court orders seizure of 29 carloads of lard going to Cuba. "The seizure order was obtained by a Miami advertising firm to help satisfy a judgment of $429,000 against the Cuban Government tourist agency" (New York Herald Tribune, July 6, 1961).

July 4, 1961: U.S. authorities in Florida seize three Cuban planes which have landed in the United States after being stolen from Cuba by refugees. The planes are seized on court orders to satisfy claims against the Cuban Government.

July 21, 1961: U.S. Government announces that it will finance the passage of 20,000 refugees from Cuba to the United States, because the refugees cannot obtain dollars.

July 23, 1961: Cuban Government orders Pan American World Airways—the company chartered by the U.S. Government for the airlift—to limit its flights from Miami to Havana to two round trips a day.

July 24, 1961: U.S. commercial airliner—worth $3.5 million—en route from Miami to Tampa, Fla., is forced by an armed passenger to fly to Havana. The other passengers and the crew are returned to the United States the following day, but the plane is kept by the Cuban authorities.

July 26, 1961: Premier Castro, in a speech made at the 26th of July celebrations, declares that he will return the airliner if the United States returns "the 10 Cuban planes which it has stolen."

During a speech made at the celebration of the 8th anniversary of the 26th of July movement, Premier Castro announces that all Cuban political parties are eventually to be merged into the United Party of the Socialist Revolution. The celebrations are attended by Soviet Astronaut Maj. Yuri Gagarin.

July 27, 1961: U.S. Secretary of State Dean Rusk declares in Washington that the United States will not agree to the exchange. He declares that final authority for the return of Cuban planes to Cuba rests with the courts, and not with the U.S. Government, and that if it is entitled to do so, the Cuban Government may apply for "sovereign immunity" for the planes. Rusk points out that since mid-1959, 25 Cuban planes have been held in the United States. Some of these have been sold in pursuance of court orders.

July 29, 1961: Cuban note to the U.N. accuses the United States of preparing an "imminent military aggression" against Cuba, and of using the plane incident as an excuse for its plans. Foreign Minister Raul Roa announces that the Cuban Government has placed the U.S. plane under the jurisdiction of the U.N. Security Council. The U.S. State Department declares that the Cuban move in the U.N. is a "transparent tactic to divert attention from the actions of the Castro government in detaining" the plane.

August 2, 1961: Government announces the reorganizing of the country's labor unions under direct Government control. Henceforth, there will be only one union for each industry, and all unions will be grouped under a Workers' Confederation.

August 3, 1961: Two U.S. citizens—a former convict and his son—fail in a plot to take a Boeing 707 jet airliner to Cuba from El Paso, Tex.

August 4, 1961: Cuban Government again protests to the U.N. Security Council that the U.S. Government is preparing military aggression against Cuba, and is using plane incidents as an excuse.

August 5, 1961: Cuban Government declares that it will release the airliner if the United States releases a Cuban patrol boat brought to Florida by defectors a week ago.

Cuban Government orders the immediate replacement of all Cuban currency. All bills now in circulation must be traded in for new ones. No more than 200 new pesos will be given any one household. Any amount over this will be deposited in a "special account" and may be drawn upon in a week's time. Bank holdings are not affected. There is no revaluation involved in the move. Cuban borders are closed to all ships and planes through August 7, to prevent any Cuban money being brought in from abroad.

August 8, 1961: Premier Castro declares that Cubans will be allowed to draw up to 1,000 pesos in cash from their special accounts. Thereafter, they will be allowed to withdraw at the rate of 100 pesos a month. Total deposits of 10,000 pesos will be allowed, but any amount over 5,000 will be placed into savings accounts. Castro also declares that any amount over 10,000 pesos will be confiscated.

Minister of Industry Ernesto Guevara (during a 2-hour speech, at the Inter-American Economic Conference in Punta del Este, Uruguay) accuses the United States of attempting the assassination of Armed Forces Minister Raul Castro on July 26, and of attempting the invasion of Cuba on the same day. He also implies that the United States was implicated in the assassination of President Trujillo of the Dominican Republic, on May 30. Guevara ridicules President Kennedy's Alliance for Progress, and declares: "While Cuba is there, the United States is ready to give." He suggests that with a little push, Latin America will get the $30 billion in U.S. aid which Castro called for 2 years ago. Guevara declares that Cuba expects $450,000 in loans from Communist countries over the next 4 years. Cuba, he says, "pledges a guarantee that it will not export revolution" to other Latin American countries. Guevara also produces two U.S. "secret" documents, allegedly State Department reports. The first characterizes Venezuelan officials as "inept and indifferent"; the second indicates the South American countries which can be counted upon for anti-Cuban measures.

August 9, 1961: U.S. Pan American jet airliner, en route from Mexico City to Guatemala, is forced by an armed passenger—a French Algerian, reportedly a psychopath—to fly to Havana. The other passengers, the crew, and the plane are allowed to leave for Miami the same day. The Cuban Government declares that it is releasing the plane out of deference to the Colombian Foreign Minister, Julio Cesar Turbay Ayala, one of the passengers, and because Cuba is opposed to air piracy. In Washington, before it is known that the plane is returning to the United States on the same day, the news of the incident causes various U.S. Congressmen to advocate the use of force to retrieve the plane.

[1] Based chiefly on excerpts from Deadline Data; reproduced with the permission of Deadline Data on World Affairs.

On the same day, Cuba requests the U.N. to place on the agenda of its 1961 General Assembly—due to open in September—an item on "threats to peace and security" by U.S. "aggression" against Cuba.

August 10, 1961: President Kennedy declares in a news conference that the anger aroused by the hijacking of planes must not be allowed to overshadow the importance of the Inter-American Economic Conference meeting in Uruguay which he calls "perhaps one of the most significant meetings in the history of the Western Hemisphere."

August 14, 1961: The 5,805-ton *Bahia de Nipe*, a Cuban merchant ship carrying sugar and tobacco to a Soviet Baltic port, was seized by the captain and 10 crew members and diverted to Norfolk, Va.

August 15, 1961: A patrol boat, valued at $50,000, which was brought to the United States on July 29 by Cuban defectors was returned to the Castro regime.

At the same time the Eastern Air Lines Electra hijacked on July 24 was returned to the United States by the Cuban Government.

August 21, 1961: President Kennedy declined to use the Cuban ship, *Bahia de Nipe*, as ransom for the families of the Cuban seamen who brought the ship here and have sought political asylum.

Earlier the Cuban Government formally asked for the return of the vessel and U.S. Secretary of State Dean Rusk asked a Federal court to release the ship.

August 24, 1961: In a special session of the U.N. General Assembly called to discuss the Bizerte dispute between France and Tunisia, the Cuban delegate challenged the validity of the treaty under which the United States maintains the Guantanamo Bay Naval Base.

U.S. Ambassador Stevenson called Cuba's charge "international lawlessness."

August 29, 1961: Premier Castro called on the Brazillian people to "take arms * * * and take to the mountains and jungles" to fight the military leaders who are trying to keep Joao Goulart from becoming president of Brazil after the resignation of President Janio Quadros.

August 31, 1961: The Senate Foreign Relations Subcommittee on Latin America said it was satisfied that an encounter in Montevideo, Uruguay, between Maj. Ernesto "Che" Guevara and Richard Goodwin, President Kennedy's Special Assistant on Latin American Affairs, was a casual and unimportant meeting at a cocktail party.

The subcommittee met with Mr. Goodwin after Argentina's Foreign Minister Adolfo Mugica declared on August 22 that the conversation had been politically vital and had touched on a possible resumption of United States-Cuban relations.

September 7, 1961: A spokesman for the Democratic Revolutionary Front, a Cuban exile group, announced that the front will shortly merge with the Revolutionary Council. The new group will be called the Cuban Revolutionary Council and will be headed by Miro Cardona with Antonio de Varona as second in command.

The U.S. Fourth Circuit Court of Appeals freed the hijacked freighter *Bahia de Nipe* for return to Cuba but stayed its order for 5 days to permit an appeal to the U.S. Supreme Court.

September 9, 1961: Five of the prisoners captured after the unsuccessful invasion attempt last April were executed on charges of murder and torture committed before they left Cuba. Nine others were given 30-year jail sentences on similar charges.

September 10, 1961: Four thousand Cubans shouted antigovernment slogans in downtown Havana until they were dispersed by machinegun bullets. Seven were injured. The demonstration was touched off by cancellation of a Roman Catholic procession in honor of the Virgin of Charity, the patroness of Cuba.

September 13, 1961: A third request for an order blocking the immediate return of the freight *Bahia de Nipe* to Cuba was submitted to U.S. Supreme Court Chief Justice Earl Warren by the United Fruit Co. which has claims against the freighter's cargo of sugar.

Bonneville Power Administration Must Increase Its Rates

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mr. SAYLOR. Mr. Speaker, on Thursday, January 17, the Congress received the President's proposed budget for fiscal 1964. Even though many of us anticipated that it would be larger than his requests for 1963, I don't think we were quite prepared for the fantastic figure of over $107 billion requested in new appropriations in this document. It is almost inconceivable that Congress could be asked to consider a budget of this magnitude, while at the same time being asked to consider rather sizable decreases in Federal taxes.

I, for one, firmly believe the level of personal and corporate income taxes is seriously hampering this Nation's rate of economical growth. The excessively steep progression of tax rates to a point approaching an almost confiscatory level very often has the effect of stifling initiative and inventiveness of our citizens.

However, I do feel that if a tax cut is forthcoming it must be accompanied with a concomitant serious reduction in the level of governmental expenditures or a conscientious effort on the part of Members of Congress to find additional ways to increase Federal revenues.

In my humble judgment, one outstanding and immediately obvious way to reduce Federal expenditures, while at the same time increasing Federal revenues, would be to establish a realistically increased electric power rate for the Bonneville Power Administration.

Mr. Speaker, the audit report by the Comptroller General of the United States on the financial statements of the Columbia River Power System and related activities for fiscal 1962, which was transmitted to Congress on December 11, 1962, clearly points out that that power system sustained a net loss—and I repeat, a net loss—of about $13.1 million in fiscal 1962. This is the fifth straight year Bonneville has sustained losses from the sale of power because of its unrealistically low rates. In 1961, the loss was $14.2 million; in 1960, it was $10.9 million; $6.6 million in 1959; and $2.9 million in 1958—for a total of about $47.5 million in 5 short years.

The Comptroller General also reported to Congress that the Bonneville Power Administration failed to meet its scheduled repayment of the capital investment in commercial power facilities by about $17.6 million in 1962. This compares with a failure to meet its scheduled repayment of $15.3 million in 1961, $11.6 million in 1960, $9.7 million in 1959—for a total of $54.2 million in 4 short years.

Mr. Speaker, in these trying times when the demands of our Federal commitments at home and abroad create ever-increasing pressures for greater spending, and the poor taxpayer is almost stumbling from his burden of excessive taxation, to allow Bonneville to continue this folly is intolerable. It is made even more intolerable because it does not have to be.

Mr. Charles Luce stated in the 1961 annual report of the Bonneville Power Administration that "future deficits are predicted for the next 4 or 5 years." It will be remembered by many of us who were in this House during the 2d session of the 87th Congress that this same Mr. Luce promised us that if the Hanford project resulted in additional losses that Bonneville's rates would also have to be increased.

In my opinion, fiscal responsibility and sound public financing will not permit further procrastination in our need to face up to the realities of the Bonneville rate structure.

Mr. Speaker, many of us have also heard spokesmen for the Bonneville Power Administration say that its rates cannot be reviewed and adjusted except at 5-year intervals, and the next review would not be until December 1964. However, the organic Bonneville Project Act states only that contracts shall contain provisions for equitable adjustments of rates at "appropriate intervals not less frequently than once in every 5 years." Let me remind my colleagues, that Mr. William A. Pearl, then Bonneville Power Administrator, told the House Committee on Appropriations in May 1957—and let me quote him:

> Periodically, in accordance with the Bonneville Act, we are to review our rate structure—that is, no less often than once every 5 years. Actually, we review it every year.

He said also:

> About 2 weeks ago we announced there would not be an increase in rates for the year beginning December 1957.

When Mr. Pearl was telling the House Appropriations Committee this, the next so-called 5-year review would not have been until December 1959.

In other words, even though the review required under existing contracts was still almost 2½ years in the future, the Administrator announced there would be no increase in the year beginning December 1957. This announcement would seem to indicate—at least by inference—that if he had felt it necessary to increase rates before 1959, he could have done so.

The Bonneville Act further states very clearly that rates may be modified "from time to time by the Administrator" subject to the confirmation and approval of the Federal Power Commission and subject to the terms of existing contracts. Furthermore, the act specifically requires that rates charged by Bonneville must be sufficient to cover the cost of producing and transmitting the electric energy, including the amortization of the capital investment in power facilities, over a reasonable period of years.

However, even assuming, for the sake of discussion, that the Bonneville Power Administration cannot increase rates under existing contracts until December 1964, I can find nothing in the Bonneville Act which would prohibit the Administrator from increasing rates under new contracts or under mutually agreed revisions of existing contracts which would be adequate to recover at least a portion of the losses and to repay a part of the investment until such time as a general rate increase might be applicable to all contracts. The act merely states that rate schedules may—and I emphasize may—provide for uniform rates but does not state that the rates must necessarily be uniform.

Mr. Speaker, because of the seriousness of allowing Bonneville to continue operating at such large deficits, I have sent a letter to Bonneville Administrator Charles Luce sincerely suggesting that he and his staff begin immediately to prepare for a realistic increase in Bonneville's power rates. Even though the overall increase may not be applicable to most of its customers until late next year, I think it is only fair to forewarn them at the earliest possible moment of the necessity for a forthcoming rate increase.

Under unanimous consent I insert a copy of my letter to Mr. Luce in the RECORD at this point in my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1963.

HON. CHARLES F. LUCE,
Administrator, Bonneville Power Administration, Portland, Oreg.

DEAR MR. LUCE: I have recently read the audit report of the Comptroller General of the Columbia River Power System submitted to Congress in December. The report, as expected, shows the Bonneville Power Administration lost another $13.1 million in 1962 and failed to meet its scheduled repayment of the capital investment in commercial power by $17.6 million. As a member of the House Committee on Interior and Insular Affairs and a taxpayer, I am deeply concerned about these losses.

This is the fifth straight year BPA has sustained losses from its sale of power: $14.2 million in 1961, $10.7 million in 1960, $6.6 million in 1959, and $2.9 million in 1958, for a total over the 5 years of $47.5 million.

Also, for the past 4 years, including 1962, BPA has failed to meet its scheduled repayment of the capital investment in commercial power to the extent of $54.2 million. To the 1962 deficiency, there must be added deficiencies of $15.3 million in 1961, $11.6 million in 1960, and $9.7 million in 1959.

Furthermore, it was brought out in the House Public Works Appropriations hearings for 1962, that these stated losses are not a true reflection of the real losses to the U.S. Government.

The information you supplied for the record clearly showed that if Bonneville were paying interest at the more realistic rate of 4 percent instead of 2.5 percent, the losses for 1960, 1961, and 1962 would have been more than double the amount shown as losses in your reports.

In BPA's 1961 annual report you state, "future deficits are predicted for the next 4 or 5 years." You also observe that it will be most difficult to avoid a rate increase, if this trend is not reversed.

You have consistently stated or implied that BPA rates cannot be reviewed less than each 5 years, and the next review date would be toward the end of 1964. However, the Bonneville Project Act provides that contracts shall contain provisions for equitable adjustment of rates at "appropriate intervals not less frequently than once in every 5 years." The act further provides that rates may be modified "from time to time by the Administrator" subject to confirmation and approval by the Federal Power Commission. Finally, may I remind you, the act also specifically requires that the rates be sufficient to cover the cost of producing and transmitting the electric energy, including the amortization of the capital investment, over a reasonable period of time.

As I read this act, you cannot by contract preclude the Bonneville Power Administration from reviewing the rates charged thereunder at least every 5 years. This does not prohibit the Bonneville Power Administration from making more frequent rate reviews and, if necessary, rate adjustments as would be in accord with existing contracts.

In order to at least minimize the impact of losses temporarily, it seems to me that BPA should immediately review its rate schedule with a view to assuring that any future new contracts contain rates adequate to enable BPA to comply with the law. In the interest of fiscal responsibility by the Government—in the face of increasing Federal budget requests and the expressed desire by the administration to reduce taxes—I think it is urgently necessary to insure that any new customer taken on by BPA apparently is committed in existing contracts.

I can find nothing in the act to prohibit you from treating any new contracts under new rate schedules which would be adequate to recover losses and repay investments. The act states that rate schedules "may provide for uniform rates." It does not state that the rates must be uniform.

Mr. Luce, for these reasons, I sincerely suggest that you and your staff immediately begin to prepare evaluations of the BPA rate structure which will lead to appropriate increases necessary to comply with the law and today's economic facts of life. Remembering that your customers must also have sufficient leadtime to plan future needs, I would further suggest that they should be forewarned as soon as possible that a rate increase will have to be forthcoming in the not too distant future.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

Mr. Speaker, as a longtime member of the House Interior and Insular Affairs Committee, I realize full well the consequences and implications of a rate increase for the Bonneville Power Administration. However, as I said in my opening remarks, it is intolerable that Bonneville should be allowed to continue to operate at a serious deficit. The Government can and must strive to find every possible means of meeting its financial requirements while at the same time reducing the burdensome load on the average taxpayer.

In closing, I would like to compliment the Comptroller General and the Government Accounting Office for the quality of their audit report on the financial statements of the Bonneville Power Administration for fiscal 1962. I have been reading these GAO audit reports for several years now and I think that in general they are outstanding. I have been somewhat concerned, however, that they seem to have received so little attention here in Congress. We should all remember that the Government Accounting Office is an arm of the Congress—not the executive—and, therefore, is deserving of more consideration.

The suggestions from the Comptroller General and his staff for improving Government and very often for saving money are usually well founded and excellent. I sincerely hope that in the future every Member of Congress will pay more attention to these reports and suggestions.

Consumer Reports Calls for Safe Cosmetics Law

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, January 28, 1963

Mrs. SULLIVAN. Mr. Speaker, the February issue of the magazine, Consumer Reports, published by Consumers Union, contains a very worthwhile discussion on the need for tighter laws to protect the public in the purchase and use of cosmetics. This is an objective which I have been pursuing ever since coming to Congress in 1953. I have introduced safe cosmetics bills in every Congress since then, and I am delighted that this magazine which is held in such high esteem by so many consumers has also been championing the same cause over the years.

The article, which I am placing in the CONGRESSIONAL RECORD as part of my remarks, is entitled "Cosmetics Versus the Consumer," and is based on an address given by CU's medical adviser, Dr. Harold Aaron, as part of a symposium of the American Medical Association's Committee on Cosmetics at the annual meeting of the American Academy of Dermatology in Chicago last December.

There is one oversight or inaccuracy in the article which I feel I should mention, in placing it in the RECORD. After discussing gaps in the law which often prevent the Food and Drug Administration from moving effectively against an unsafe cosmetic item until a great deal of harm has already been done to consumers, the article states:

When injuries do occur, especially allergic reactions, the problem is compounded for the victim and his doctor by the lack of a requirement that ingredients be revealed. The law proposed to the last Congress did not take cognizance of this problem. CU believes that cosmetics makers, like food processors and drug manufacturers, should be required to list ingredients on their labels.

H.R. 1235 CONTAINED REQUIREMENTS FOR IDENTIFICATION OF INGREDIENTS OF COSMETICS

Mr. Speaker, the omnibus bill which I introduced on January 3, 1961, to rewrite the Food, Drug, and Cosmetic Act of 1938 and to require, among many other things, the pretesting for safety of all cosmetics, contained exactly the sort of cosmetic ingredient identification requirement Consumer Reports mentions. Hence, the bill the article refers to when it says: "the law proposed to the last Congress did not take cognizance of this problem" would not have been H.R. 1235.

Subsection (f) of section 9 of H.R. 1235 in the last Congress—it is now renumbered as section 8 in the new H.R. 1235 introduced January 9, 1963, in this Congress—would add a new subsection (3) to section 602 of the Food, Drug, and Cosmetic Act dealing with misbranding of cosmetics, to read as follows:

(e) Unless its labeling bears (1) the common or usual name of the cosmetic chemicals, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, or is not in the best interest of the consumer, exemptions shall be established by regulations promulgated by the Secretary.

Mr. Speaker, with that one exception or oversight clarified, I think the article in Consumer Reports on the need for better laws to protect users of cosmetics represents an excellent outline of the problem. I am happy that H.R. 1235 covers all of the major points raised in this article, plus some additional ones not mentioned by Consumer Reports such as the exemption in the present law for soap, an exemption which H.R. 1235 would repeal.

The article referred to is as follows:

HEALTH AND MEDICINE—COSMETICS VERSUS THE CONSUMER—CU HOPES IT WON'T TAKE A THALIDOMIDE TRAGEDY TO TIGHTEN COSMETICS SAFETY LAWS

Although there have been no great cosmetics scares in recent years, an addition to consumer protection legislation to require that cosmetics be tested for safety before they are marketed is sorely needed. Legislation to require protection was introduced in the last Congress, but no action was taken; it will undoubtedly be reintroduced this year.

Americans now spend more than $2 billion a year on cosmetics, a 300-percent increase from 1940. And despite the prominence of the word in the Federal Food, Drug, and Cosmetic Act, the protection afforded consumers of cosmetics under present Federal law is minimal.

PROVISIONS AND DEFICIENCIES OF THE LAW

The cosmetics sections of the law as it now stands do little more than require sanitary production, honest weights and measures, and disclosure of the manufacturer, packer, or distributor of the product. The buyer of an unfamiliar cosmetic has no assurance of its safety in normal use. The FDA has authority to act on a hazardous cosmetic before it actually does harm to a buyer only in the not very likely event that a manufacturer incorporates a known hazardous ingredient in his formula. New ingredients or elaborate new concoctions of ingredients may be placed on the market without previous testing, and, if the products turn out to be harmful, the FDA may step in only after enough people have been hurt—and have reported the fact—to demonstrate that the product is harmful. With TenDay Press-on Nail Color a few years ago (Consumer Reports, May 1958), 700 women had reported damaged fingernails before the FDA could get the product off the market.

When injuries do occur, especially allergic reactions, the problem is compounded for the victim and his doctor by the lack of a requirement that ingredients be revealed. The law proposed to the last Congress did not take cognizance of this problem. CU believes that cosmetics makers, like food processors and drug manufacturers, should be required to list ingredients on their labels.

That a cosmetics tragedy of thalidomide proportions has not brought a precipitous correction of deficiencies in the law, CU's medical consultants believe, can be credited only to good fortune plus the instinct for self-preservation, if not social reponsibility, on the part of the large cosmetics manufacturers. While there have been no recent serious outbreaks of injury comparable to the cases of blindness caused by hair dyes in the 1930's, it is almost impossible to obtain a reasonable estimate of the safety record of today's cosmetics. There is no systematic reporting program, and even if there were a great many of the less spectacular injuries, especially allergic reactions, would never be counted.

CU recently received a letter from a professor at Yale University telling of some inquiries he made after a bubble bath product had caused severe irritation of the vulva in his 3-year-old daughter. From talking to local physicians and friends he learned of eight similar cases in young girls. Although this seeming epidemic in one area is not likely to be an isolated instance, the FDA has not had a notable number of complaints on this product. Unless a severe complication sets in, an injured person apparently just crosses the product off her shopping list and lets the incident drop.

The regular channels for exchange of medical information show little interest in cosmetics injuries. Except where a novel and interesting kind of toxicity is involved, very few cases are given space in the clinical literature. Medical societies, State and local regulatory agencies, better business bureaus, consumer groups, and other such organizations receive reports of cosmetics injury sporadically, but they are often lax about passing the word on. If all these sources funneled to the FDA the information they receive, the protection of other people might be speeded. Consumers, too, could do a real service by taking the time to notify the FDA of any unhappy experiences they may have with cosmetics, giving the name of the product and details of their trouble with it (see "Government Aids to Consumers" in the current buying guide issue, p. 93).

LIMITATIONS OF TESTING

Pretesting, important as it is, cannot fully avert the possibility of cosmetics injury. There are inherent limitations in the testing procedures. The manufacturers which now test products before marketing them generally engage commercial laboratories which chiefly use animals. Such testing screens out highly toxic products. It is in the shift to human subjects, particularly in the search for allergic reactions that problems arise. Often a cosmetics company carries out the first tests of a new product in significant numbers of human beings simply by selling it in a limited area. If there are no complaints, marketing is expanded.

While a law could bring this practice within better scientific and ethical control, the final verdict on the safety of a product might still have to await use more widespread than desirable from the point of view of maximum safety. Researchers know that in allergy investigations a test population as large as 30,000 may fail to reveal a reaction rate of 1 in 10,000, enough to bring complaints with a popular cosmetic. Premarketing tests for safety are unlikely ever to reach that scale.

Even large-scale testing might fail to uncover unusual hazards. Would it, for example, have revealed a potentially lethal effect of the powdered hair-coloring agent with which teenage girls put a streak in their hair: A 7-year-old boy in California recently had to have a tracheotomy to open breathing passages irritated by the powder inhaled as he watched a 12-year-old girl use it.

A good reporting network of consumer experience with cosmetics, then, will continue to be important whatever changes are made in the law.

THE NEED FOR CAUTIONARY LABELING

Even the best possible consumer protection would still leave open another source of injury, those products which are known to have some degree of potential hazard but are permitted on the market anyway, because their usefulness is judged to outweigh the hazard. A great many products fall in this class. Most cosmetics, for example, may be irritating when they get into the eyes. A commercial testing laboratory has found that nearly all of a group of 140 cosmetic products for use on the head, including various antidandruff products, shampoos, and hair sprays, would have to be labeled as eye irritants if they were subject to the Federal Hazardous Substances Labeling Act. Perfumes, which are most commonly the ingredients that cause allergic reactions, are added to almost every cosmetic product. And there are some products, depilatories, for example, which have to be potentially injurious to accomplish their purpose. Few cosmetics now bear any cautionary labeling.

What is needed, then, to assure a minimum of injury from the growing use of cosmetics is a combination of better laws, continued vigilance, and intelligent consuming.

COSMETICS ADVERTISING

It is not so easy to suggest an approach to another aspect of consumer difficulties with the cosmetic industry, the modus operandi of cosmetics promoters.

The world of cosmetics advertising is a strange one. A girl can spend her holiday on the deck of a sailboat beating into a 10-knot breeze, one would judge by the slant of the deck, without disturbing a hair of her well-sprayed head. A previously lonesome male suddenly has to fight off the feminine pursuers after he slicks down his unruly hair with a magic cream. In the commercials for another product the cream, in turn, becomes "that greasy kid stuff" in the he-man atmosphere of the locker room. In this remarkable world, you are invited to lubricate the skin with a product whose prime action removes fats and oils—Dove detergent bar. You can be tranquilized by a simple antiperspirant ("Ice Blue" Secret). And you can cure dishpan hands by washing dishes (Ivory Liquid).

All these exaggerations are embellishments attributed for promotional purposes to products of basically limited usefulness. Commonsense says the products cannot possibly do all that is claimed for them. Why, then, does not the Federal Trade Commission step in?

The answer is simple if the remedy is not. The FTC must prove an advertising claim to be false before banning it. With cosmetics claims this raises a multitude of problems. For one thing, most cosmetics claims are not susceptible to proof, either true or false; what researcher would care to find proof, for example, of the claim that a cosmetic can make your body "a scented column of silken smoothness and your presence a sheer delight"?

Another group of claims difficult for the FTC to attack are those based on data which are scientifically weak but still can be dressed up to impress lay judges and juries; toothpaste claims often fall in this category.

Still other questionable claims rest on physiological notions which are extremely difficult if not impossible to disprove with today's knowledge and technology; the claims for products which cater to dry skin are cases in point. Virtually all these prod-

ucts are emollients of one sort or another; yet it has been shown that dryness of the skin is caused by escape of water from the tissues, not by the removal of fats or oils. The best that an emollient can hope to do is to give the dry skin a smooth feel and inhibit further evaporation of moisture. Moreover, there is no objective measurement for skin dryness.

SKIN ILLS MADE TO ORDER

Cosmetics promotion, both through advertising—especially on TV—and through the hidden persuasion of the women's magazines, is having a profound effect. Good Housekeeping, in surveying the purposes for which women apply substances to their skin, found a remarkable growth in skin problems between 1957 and 1961: dryness up from 35 to 41 percent; chapping, 10 to 18 percent; flaking, 14 to 21 percent. Such a marked increase in dryness, if real, could only have been produced by a meterological upheaval resulting in unprecedented changes in the mean relative humidity or by a nationwide metabolic disturbance. But the survey also showed oily skin increasing, as well as freckles, large pores, and blemishes.

The commercial philosophy of this Nation invites anyone with initiative to enter the marketplace and sell whatever he can, short of harming his customers, and it need not be a better mousetrap. If it can be artfully enough promoted, it need not work at all. Considering the limited range of physical effects that cosmetics can have, one may argue that the purposes of cosmetics are mainly psychological; that if the buyer can be convinced she is benefited by using the product, full value is received. While this reasoning may contain some truth in respect to cosmetics, it is also a justification for any kind of deception, so long as the victim is unaware of it and makes no complaint.

CU has no ready answer to the ethical questions posed by the general acceptance of gross deception in cosmetics promotion. But there is perhaps some comfort in the thought that a mind well supplied with reliable information is less likely to be gullible. CU intends to continue contributing to its readers' fund of reliable information.

(The article above was prepared from material gathered for an address given by Harold Aaron, M.D., CU's medical adviser, as part of a symposium of the American Medical Association's Committee on Cosmetics at the annual meeting of the American Academy of Dermatology in Chicago last December.)

FULL TEXT OF COSMETIC PROVISIONS OF H.R. 1235

Mr. Speaker, the section dealing with cosmetics is only one of many sections in H.R. 1235 to rewrite our nearly 25-year-old Food, Drug, and Cosmetic Act of 1938. Other provisions of H.R. 1235 would tighten the labeling requirements for all foods and drugs, as well as cosmetics, to prevent deceptive packaging and other consumer frauds; attack the sale of fake cures for cancer; require new therapeutic devices to be proved both safe and efficacious before they can be sold; provide more adequate controls over the distribution of habit-forming barbiturates and amphetamines—the sleeping pills and "pep" pills; strengthen the factory inspection laws for all products covered by the Food, Drug, and Cosmetic Act, and make other important and long-overdue changes in our basic consumer statute.

Relevant to the article from Consumer Reports which appears above, however, would be only section 8 of the bill as it now stands, applying entirely to cosmetics.

I, therefore, submit for inclusion at this point in the RECORD, section 8 of H.R. 1235, as follows:

PRETESTING COSMETICS

SEC. 8. (a) The following new section is added at the end of chapter VI of such Act:

"PRETESTING COSMETICS

"SEC. 604. (a) No person shall introduce or deliver for introduction into interstate commerce any cosmetic—

"(1) the composition of which is such that such cosmetic is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of cosmetics, as having been adequately shown to be safe for its intended use and other uses reasonably to be anticipated, or

"(2) the composition of which is such that such cosmetic, as a result of investigations to determine its safety for such a use, has become so recognized, but which has not, otherwise than in such investigations, been so used to a material extent or for a material time, unless an application filed pursuant to subsection (b) is effective with respect to such cosmetic.

"(b) Any person may file with the Secretary an application with respect to any cosmetic subject to the provisions of subsection (a). Such persons shall submit to the Secretary as a part of the application (1) full reports of investigations which have been made to show whether or not such cosmetic is safe for use; (2) a full list of the articles used as components of such cosmetic; (3) a full statement of the composition of such cosmetic; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such cosmetic; (5) such samples of such cosmetic and of the articles used as components thereof as the Secretary may require; and (6) specimens of the labeling proposed to be used for such cosmetic.

"(c) The Secretary, within ninety days after the filing of an application under this subsection, shall notify the applicant that the application is effective or shall give the applicant notice of opportunity for a hearing on the question whether to permit the application to become effective, except that prior to the ninetieth day after such filing the Secretary may notify the applicant in writing that the time for action by him has been extended to such time (not more than one hundred and eighty days after the date of filing the application) as the Secretary deems necessary to enable him to study and investigate the application.

"(d)(1) If the Secretary finds, after due notice to the applicant and giving him an opportunity for a hearing, that (A) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such cosmetic is safe for its intended use and other uses reasonably to be anticipated; (B) the results of such tests show that such cosmetic is unsafe for any such use or do not show that such cosmetic is safe for such uses; (C) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such cosmetic are inadequate to preserve its identity, strength, quality, and purity; or (D) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such cosmetic, he has insufficient information to determine whether such cosmetic is safe for its intended use and other uses reasonably to be anticipated, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

"(2) A cosmetic shall be deemed unsafe and an application with respect to it may not become effective—

"(A) if its intended use or any use which can reasonably be anticipated will or may result in ingestion of all or part of such cosmetic and (i) the cosmetic is found by the Secretary to induce cancer when ingested by man or animal or (ii) it is found by the Secretary, after tests which are appropriate for the evaluation of safety of cosmetics, to induce cancer in man or animal, or

"(B) if its intended use or any use which can reasonably be anticipated will not result in ingestion of any part of such cosmetic and, after tests which are appropriate for the evaluation of the safety of the cosmetics for any such use, or after other relevant exposure of man or animal to such cosmetic, it is found by the Secretary to induce cancer in man or animal.

"(3) An application with respect to a cosmetic may not become effective if the data before the Secretary show that its intended use or any use which can reasonably be anticipated would promote deception of the consumer in violation of this Act or would otherwise result in misbranding or adulteration within the meaning of this Act.

"(e) The effectiveness of an application with respect to any cosmetic shall, after due notice and opportunity for hearing to the applicant, by order of the Secretary be suspended if the Secretary finds that (1) for reasons set forth by him, there is reasonable doubt as to the safety of the cosmetic for its intended use or any other use reasonably to be anticipated, or (2) the application contains any untrue statement of a material fact.

"(f) An order refusing to permit an application with respect to any cosmetic to become effective shall be revoked whenever the Secretary finds that the facts so require.

"(g)(1) An order of the Secretary after a hearing under this section shall be based upon a fair evaluation of the entire record at the hearing and shall include a statement setting forth in detail the findings and conclusions on which it is based.

"(2) Orders of the Secretary under this section shall be served (A) in person by any officer or employee of the Department designated by the Secretary or (B) by mailing the order by registered mail or certified mail addressed to the applicant or respondent at his last known address in the records of the Secretary.

"(h) In case of denial or withdrawal of approval of an application under this section, the applicant may file in the United States court of appeals for the circuit in which such applicant resides or has his principal place of business, within sixty days after serving of notice of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court a transcript of the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm or set aside the order. The finding of the Secretary as to the facts shall be sustained if based upon a fair evaluation of the entire record at the hearing. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that

such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and he shall file with the court such modified findings and order. The court, on judicial review, shall not sustain the order of the Secretary if he failed to comply with any requirement imposed on him by subsection (g)(1). The judgment and decree of the court affirming or setting aside any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Secretary's order.

"(i) The Secretary shall promulgate regulations for exempting from the operation of this section cosmetics intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of cosmetics."

"(j)(1) Every person engaged in manufacturing, compounding, or processing any cosmetic with respect to which an application, filed pursuant to this section, is in effect shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience and other data or information, received or otherwise obtained by such person with respect to such cosmetic, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or to facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section.

"(2) Every person required under this section to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

(b) Section 201(i)(2) of such Act is amended by changing the semicolon to a period and deleting the words "except that such term shall not include soap."

(c) Section 301 of such Act is further amended—

(1) by striking out in paragraph (d) thereof "or 512" and inserting in lieu thereof "512 or 604".

(2) by inserting before the period at the end of paragraph (e) thereof a semicolon and the following: "or the failure to establish or maintain any record, or make any report, required under section 604 (1) or (j), or the refusal to permit access to or verification or copying of any such record."

(3) by inserting "604," in paragraph (j) after "507,".

(4) by adding at the end thereof the following new paragraph:

"(q) The using, on the labeling of any cosmetic or in any advertising relating to such cosmetic, of any representation or suggestion that an application with respect to such cosmetic is effective under section 604, or that such cosmetic complies with the provisions of such section."

(d) Section 304 of such Act is further amended—

(1) by striking out in subsection (a) thereof "or 512" and inserting in lieu thereof "512 or 604".

(2) by striking out in subsection (d) thereof "404 or 505" and inserting in lieu thereof "404, 505, or 604".

(e) Section 601 of such Act is amended—

(1) by changing the semicolon after the word "usual" in subsection (a) to a period, and deleting the remainder of the subsection.

(2) by changing subsection (e) to read as follows:

"(e) If it is, or it bears or contains, a color additive which is unsafe within the meaning of section 706(a)".

(3) by adding at the end thereof the following new subsection:

"(f) If it is a cosmetic to which the provisions of section 604 apply but with respect to which an application is not effective under such section."

(f) Section 602 of such Act is amended by adding the following subsection:

"(e) Unless its labeling bears (1) the common or usual name of the cosmetic chemicals, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient: *Provided*, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, or is not in the best interest of the consumer, exemptions shall be established by regulations promulgated by the Secretary".

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 29, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, DD., offered the following prayer:

The words concerning Moses: Hebrews 11: 27: *He endured, as seeing Him who is invisible."*

Almighty God, our Heavenly Father, in all the hours of this day, may we eagerly seek and willingly accept Thy divine companionship and counsel.

We penitently confess that we so frequently allow the windows of our souls to become opaque and our vision of life's higher values to become distorted and obscured.

Inspire and sustain us with the conviction that there are no crises which we cannot face and no hardships which we cannot endure when our minds and hearts are stayed on Thee.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

COMMITTEE ON PUBLIC WORKS

Mr. HALLECK. Mr. Speaker, I offer a privileged resolution (H. Res. 206) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That DONALD H. CLAUSEN, of California, be, and he is hereby, elected a member of the Standing Committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

Mr. BURLESON. Mr. Speaker, I offer a privileged resolution (H. Res. 207) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Committee on the Disposition of Executive Papers, provided for by section 5 of Public Law 115, 78th Congress, shall consist of two members of the Committee on House Administration, to be appointed by the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MEMBERS OF COMMITTEES ON PRINTING AND ON THE LIBRARY

Mr. BURLESON. Mr. Speaker, I offer a privileged resolution (H. Res. 208) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. BURLESON, of Texas; Mr. HAYS, of Ohio; Mr. SCHENCK, of Ohio.

Joint Committee of Congress on the Library: Mr. BURLESON, of Texas; Mr. JONES, of Missouri; Mr. THOMPSON, of New Jersey; Mr. SCHENCK, of Ohio; Mr. CORBETT, of Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday to file certain sundry reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I take this time, and I shall not take but a minute, to announce to the House that, in connection with the announcement that I made on yesterday, on Thursday next it is the intention of the leadership to call up sundry resolutions for the Committee